SH2239808

Table of Contents

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 03/06/10	Bureau/Station/Facility: Temple Station	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 009-03572-0531-013	Date: 03/15/09 Time: 1059
City or Station: Rosemead	Nature of Incident: Deputy Involved Hit-Shooting
Location: [redacted] Temple City Blvd	

Location Type (circle one or more): **Backyard**, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other: ______

Lighting (circle only one): Darkness, **Daylight**, Other, Street Lights

Weather (circle only one): **Clear**, Cloudy, Fog, Rain

Distance: 10-20 feet

Incident Type (circle one or more): Accidental, **Armed Person**, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (circle only one): Arrest Warrant, **Call**, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (circle only one): Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
7	None	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	[redacted]	[redacted]		EM PM **Day**	**Regular** Overtime Off Duty
[redacted]	Bowman	Janine		EM PM **Day**	**Regular** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
See Pages 4 and 5 of summary				
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(circle one or more)
[redacted]	Moreno	Abel		**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Garrett	Teresa	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Herman	Debra	

PSTD Use Only

SH # 2239808

Officer Involved Shooting

URN: 009-03572-0531-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
03/15/09	1300	05/06/10	

Employee #	Last Name	First Name	M.I
[redacted]	Bly	David	
[redacted]	Gealta	Diana	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E-1	S-1	FH	ZZ	45	Y	Y	DH	CH
E-2	S-1	FH	BR	9	Y	Y	DH	CH
E-3	S-1	TR					DH	

Officer Involved Shooting
Involved Employee Information

URN: 009-03572-0531-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Contreras	First Name: Mario	M.I.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: Court Services Metro	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM **(Day)**	ShiftType (*circle only one*): Regular Overtime **(Off Duty)**	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, **(Plain Clothes w/ Vest)**, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors: Deputy was a ride-a-long with Deputy Bowman, unit 53
Age: [redacted]	Height: 505 Weight: 160		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Sig-Sauer	Caliber: .45	# Shots: 4	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name: Marquez	First Name: John	M.I.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: Temple Station	Work Assignment (Unit #, Module, etc.): 53T1
ShiftTime (*circle only one*): EM PM **(Day)**	ShiftType (*circle only one*): **(Regular)** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, **(Uniform w/ Vest)**	Other Factors:
Age: [redacted]	Height: 602 Weight: 220		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9MM	# Shots: 3	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
0 0 9 - 0 3 5 7 2 - 0 5 3 1 - 0 1 3

Involved Employee

E 3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex: ☒ Male ☐ Female | Race: O | Unit of Assignment: Temple Station | Work Assignment (Unit #, Module, etc.): [redacted]

Shift: ☐ EM [redacted] Day ☐ PM | [redacted] Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 510 | Weight: 170

☐ Injured ☐ Treated ☐ Admitted Hospital:________ | Coroner Case # | Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital:________ | Coroner Case # | Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital:________ | Coroner Case # | Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital:________ | Coroner Case # | Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital:________ | Coroner Case # | Directed Force ☐ Significant Force ☐

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
[redacted]	E-3	CONTRERAS	S-1	TR	DH	CH

Officer Involved Shooting Suspect Information

Suspect Information

S 1

Last Name: Castaneda	First Name: Ernesto	M.I.
AKA Last Name	First Name	M.I.

Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 22 D.O.B. 11/12/86	Height: 601 Weight: 245	FBI #: [redacted]	CII #: [redacted]
Booking #: N/A	Primary Charge: N/A	Secondary Charge: N/A	
Coroner Case? ☒	Coroner Case #: 2009-01979	Intoxication/Drug Usage? ☒	Substance Used: Unknown
Armed? ☒	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: N/A		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
IAB CASE NUMBER SH2239808 AND FO2239813
URN #009-03572-0531-013

On March 15, 2009, at approximately 1300 hours, Sergeants David Bly and Diana Gealta along with Lieutenant Don Slawson responded to [redacted] Temple City Blvd, Rosemead, regarding a deputy involved hit shooting involving personnel from Temple Station. Homicide Investigators Philip Guzman and Joseph Ramirez responded to conduct the criminal investigation.

Deputies [redacted] Marquez, Bowman, and Deputy Bowman's [redacted] Deputy Mario Contreras, responded to [redacted] North Ellis Lane, Rosemead to a family disturbance call. While in route, they were advised that the Suspect was armed with a machete and possibly under the influence of drugs. Upon their arrival they were next advised that the Suspect was now inside the house. Deputies called out to the Suspect to exit the house. The Deputies then learned the Suspect was in the rear yard of [redacted] Temple City Boulevard, armed with a baseball bat and a machete. Subsequently, all the Deputies responded to the rear yard of the location on Temple City Blvd. and ordered the Suspect to drop the machete and to surrender. The Suspect at first began to comply by putting the machete down on the ground and going down to one knee. After getting to one knee, the Suspect quickly rose to his feet, retrieved the machete and did not comply with their orders to drop the machete. The Suspect was swinging the machete above his head and took steps toward Deputy Contreras. Deputies Marquez and Contreras, fearing for their safety immediately fired their authorized pistols, striking the Suspect. Even though they fired and hit the Suspect in the upper torso, he still failed to drop the machete which he was now holding at his chest while still standing. Deputy [redacted] then discharged the Taser which immediately caused Suspect Castaneda to fall to the ground. The Suspect was then taken into custody without further incident. The Suspect's weapons, a machete and baseball bat, were recovered from the scene.

Suspect Castaneda sustained three gunshot wounds to the upper torso. He was transported to San Gabriel Community Hospital where he was pronounced dead.

IAB note: IAB Lieutenant, Don Slawson, checked to see that the Watch Commander, Sergeant Debra Herman, took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In additional, IAB Lieutenant, Don Slawson, checked to see if the Watch Commander attempted to have involved and

witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.

IAB Note: The summary of this incident is based on physical evidence collected at the scene by Los Angeles County Sheriff's Department Crime Lab personnel, Homicide investigator's observations, as well as information obtained from the original crime report and supplemental reports along with interviews of the involved personnel and witnesses. (*Refer to Exhibits A through F)*

INVOLVED PERSONNEL:

Contreras, Mario, Deputy Sheriff, #[redacted]
Court Services Bureau Central
Metro Court

Work History

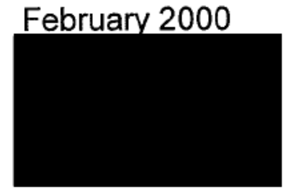
Date of Employment	July 2006
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	
Prior Shooting Incidents	
Prior Founded Force Incidents	



Marquez, John, Deputy Sheriff, #[redacted]
Field Operations Region I
Temple Station

Work History

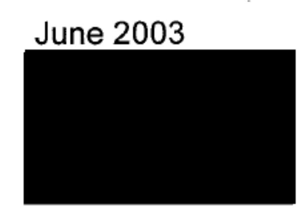
Date of Employment	February 2000
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	
Prior Shooting Incidents	
Prior Founded Force Incidents	



[redacted] Deputy Sheriff, #[redacted]
Field Operations Region I
Temple Station

Work History

Date of Employment — June 2003
Date Assigned to Patrol
Date Completed Patrol Training
Prior Shooting Incidents
Prior Founded Force Incidents


[redacted]

SUSPECT:

CASTANEDA, Ernesto, MH/22, DOB: 11/12/1986, Deceased

Suspect Castaneda's Consolidated Criminal history Report (CCHRS) [redacted]

IAB Note: See to Exhibit "A" pages 65-68 for further information.

SWORN WITNESSES:

Bowman, Janine, Deputy Sheriff, #[redacted]
Field Operations Region I
Temple Station

CIVILIAN WITNESSES:


[redacted]

[redacted]

[redacted]

[redacted]

SUSPECT INJURIES:

Suspect Castaneda sustained three gunshot wounds to the upper torso and one gunshot wound to his left leg. He was transported to San Gabriel Community Hospital where he was pronounced dead by Doctor Katzberg at 1143 hours.

IAB Note: See Exhibit "A" page 69 for the Autopsy Report.

DEPUTY INJURIES:

None

PHYSICAL EVIDENCE:

The following items of evidence were collected from [redacted] Temple City Blvd, Rosemead.

Items 8 and 9	Two fired 9MM cartridge casings recovered in the rear yard.
Items 10,11,12	Three fired .45 caliber cartridge casing recovered in the rear yard.
Item 15	One fired .45 caliber cartridge casing recovered from Deputy [redacted] left front pant pocket.

IAB Note: See Exhibit "A" pages 52-61 for crime scene diagrams and additional Crime Scene Investigator's reports.

INVESTIGATORS OBSERVATIONS:

The physical evidence at [redacted] Temple City Blvd, Rosemead appeared to be consistent with witnesses' and deputies' versions of events.

A review of the radio dispatch tapes and 911 calls revealed the following summary:

911	**1013 hours**: Suspect's father called regarding the Suspect's actions.
Dispatch 11	**1020 hours:** SCC dispatched a 415 family call to Deputy [redacted] (unit 53A) and Deputy Bowman (unit 53) at [redacted] North Ellis Lane, Rosemead. Suspect was armed with a baseball bat and possibly under the influence of drugs.
L-tac	**1021 hours:** 53A request Deputy Marquez (unit 53T1) to 927C for the Suspect.
911	**1022 hours:** Father stated the Suspect was trying to use a truck to leave the location.
L-tac	**1022 hours:** 53A asked 53 if she had a Taser.
Dispatch 11	**1024 hours:** SCC updated the Suspect is in front of the location wanting to leave in a green Toyota pick-up truck.
911	**1024 hours:** Father advised the Suspect is now in the house armed with a machete.
Dispatch 11	**1024 hours:** Units 53A and 53 are 97 at the call.
L-tac	**1025 hours:** Desk advised units the Suspect is in the house armed with a machete. 53A advised he and 53 are a couple house north of the location and requested 53T1 to meet them there.
Dispatch 11	**1028 hours:** 53T1 advised he is 97 at the call.
L-tac	**1029 hours:** Unit 55T1 advised he could respond if needed. 53A advised he has the Taser, 53 has the stunbag, and they were going to call out to the Suspect to exit the house.
L-tac	**1033 hours:** Unit 53A requested 50S to respond to the call. 50S responding from Duarte.

911	**1046 hours:** [redacted] called and stated the Suspect is on their driveway ([redacted]) talking to her [redacted] She stated the Suspect is armed with a bat and machete and the Suspect wanted [redacted] to drive him away. She said the Suspect said the police were after him. The desk advised [redacted] to get [redacted] back inside the house and to lock the doors. Throughout the call, [redacted] and their [redacted] all updated the desk concerning the Suspect's actions and statements. [redacted] stated the deputies were contacting the Suspect in the back yard. He said he heard yelling and then gunshots.
L-tac	**1047 hours:** The desk asked 53A to call the desk via his cell phone.
911	**1048 hours:** The desk advised 53A the Suspect is now at [redacted] Temple City Blvd.
L-tac	**1053 hours:** 53T1 advised he saw the Suspect walk down the driveway at [redacted] Temple City Blvd. 50S advised units to have less lethal weapons available. 53A advised they have a Taser and stunbag ready. 53T1 advised an updated description of the Suspect and stated the Suspect was not armed.
L-tac	**1057 hours:** 53A advised they are going to approach the Suspect down the driveway.
Dispatch 11	**1059 hours**: 53 advised 10-33, deputies were involved in a shooting and the Suspect was down. She advised the location and requested rescue to respond and stage one street north of their location. She requested units code-3. 55T1 and 50S responding. 50S advised he was code-6.

IAB Note: See Exhibit "C" for a CD containing recordings of the radio traffic and 911 calls.

WEAPONS USED BY DEPUTY PERSONNEL:

Contreras, Mario, Deputy Sheriff

Service Weapon: Department authorized .45 caliber Sig-Sauer, semi-automatic pistol, serial number G[redacted]

Ammunition: .45 caliber, four rounds fired with five rounds left in weapon.

Date last qualified: [redacted]

> **IAB Note: Deputy Contreras was authorized to carry and use his Sig-Sauer on duty. See Miscellaneous Documents for Deputy Contreras' range training records.**

Marquez, John, Deputy Sheriff

Service Weapon: Department authorized/issued Model 92F, 9MM Beretta, semi-automatic pistol, serial number BER[redacted]S.

Ammunition: Luger, 9mm, three rounds fired with thirteen rounds left in weapon.

Date last qualified: [redacted]

[redacted] Deputy Sheriff

Department authorized/issued Taser.

WEAPONS USED BY SUSPECT CASTANEDA:

Machete and a Baseball Bat.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR/CHARGES FILED:

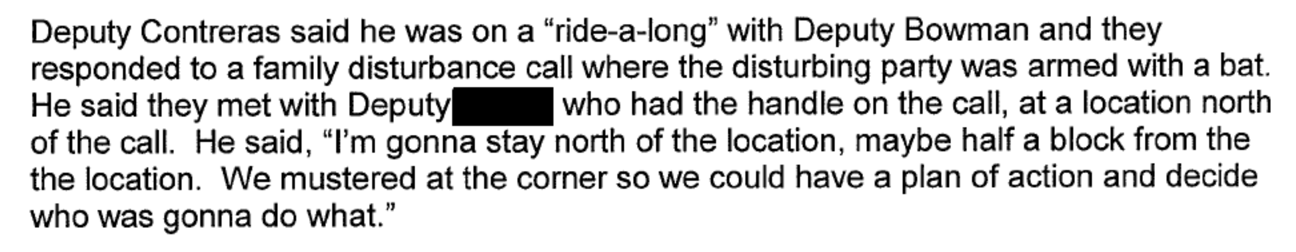
None

LIGHTING AND WEATHER CONDITIONS:

The incident occurred during daylight hours. The weather was warm and clear.

INVOLVED PERSONNEL STATEMENTS:

Deputy Mario Contreras #[redacted] **Court Services Bureau Metro Court,** was interviewed on March 15, 2009 at 1943 hours by Homicide Investigators Ramirez and Guzman at Temple Sation. He was also interviewed on January 20, 2010 at 1103 hours by IAB Sergeants David Bly and Jessica Brothers. The interview took place at Internal Affairs Bureau and both interviews were recorded for review. The following is a summary of both interviews.



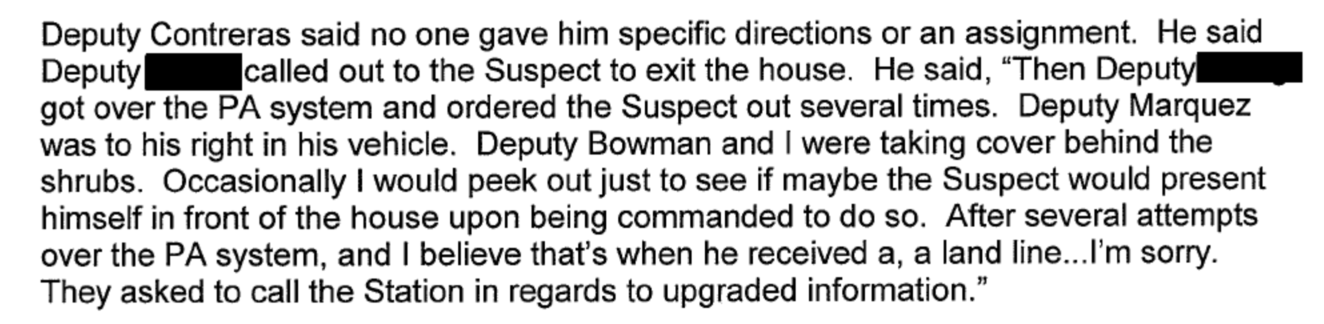
Deputy Contreras said he was on a "ride-a-long" with Deputy Bowman and they responded to a family disturbance call where the disturbing party was armed with a bat. He said they met with Deputy [redacted] who had the handle on the call, at a location north of the call. He said, "I'm gonna stay north of the location, maybe half a block from the the location. We mustered at the corner so we could have a plan of action and decide who was gonna do what."

Deputy Contreras said Deputy [redacted] contacted the Suspect's [redacted] (informant). He said, "Kind of to all of us in the general location, but he was specifically, I believe he was speaking to Deputy [redacted] Um, and then he was -- the [redacted] was kind of in the, the line of fire, so I directed him over to me and kind of try to take -- obtain further information in Spanish. He was a Spanish speaker only. At the same time we were keeping obs on the house. There was uh, brush that was giving them uh, some type of concealment. That his [redacted] um, I think, was on some type of narcotics. He didn't know what. That he's had prior incidents before. Um, I s -- he said something about -- and this is all in Spanish. Uh, he said that he was in some type of drug program or somehow involved in drugs. That he, for unknown reason, he just became irrate, grabbed him by the collar -- the [redacted] grabbed his [redacted] by the collar, kind of shoved him to the side, and did not know why he would behave that way. And then um, I don't recall if at one point he said when he picked the machete. But I did remember asking him if there were any firearms in the house or any additional weapons or any people for that matter. He said he didn't know if there were any firearms in the house."

Deputy Contreras said Deputy Marquez joined them and Deputy [redacted] talked about how they were going to approach the call. He said, "From what I can remember, they were gonna approach the house. But I believe they were waiting for a Sergeant. But once the call was upgraded to now man with a machete, we decided to take action and move slowly towards the house with our vehicles. I believe Deputy [redacted] because he had the handle. I'm not sure exactly what was tasked, but I remember Deputy Bowman having the stun bag. And then obviously I had deadly force. And...but right, prior to that, I do not recall exactly what was being tasked. It was already...it was assumed, because Deputy Bowman had the stun bag. At that point, the Taser wasn't being used, so when we were approaching the house, all I know is she had the stun bag. And whatever the other units had on them, that was their equipment. All I had was my service pistol."

Deputy Contreras said he was not in uniform and was wearing a polo shirt and pants.

IAB Note: During this time period, non-patrol trained deputy personnel who participated in the ride-a-long program, wore civilian attire.


Deputy Contreras said no one gave him specific directions or an assignment. He said Deputy [redacted] called out to the Suspect to exit the house. He said, "Then Deputy [redacted] got over the PA system and ordered the Suspect out several times. Deputy Marquez was to his right in his vehicle. Deputy Bowman and I were taking cover behind the shrubs. Occasionally I would peek out just to see if maybe the Suspect would present himself in front of the house upon being commanded to do so. After several attempts over the PA system, and I believe that's when he received a, a land line...I'm sorry. They asked to call the Station in regards to upgraded information."

Deputy Contreras said Deputy [redacted] received information that the Suspect had jumped the fence to the [redacted] into a [redacted] yard. He said, "Then Deputy [redacted] asked Deputy Marquez to come around from our position to Temple City Boulevard to the adjacent property and investigate, see if he could have an observation of the Suspect. I know they requested a Sergeant. And I believe they said he was en route. I believe he (Deputy Marquez) said that he had...he had located the Suspect in the, in a vehicle. It was a green Ford Explorer. The vehicle was facing outward towards the City. Towards Temple City Boulevard. Parked in the driveway. So once that was put out over the radio, we came around. We got in our vehicles. Came around. We parked directly in front of the location towards opposing traffic. Exited our vehicles. "

Deputy Contreras said Deputy Marquez parked his vehicle north of the house where he saw the Suspect and they parked south of the house with Deputy [redacted] parked in front of them. He said they approached the driveway. He said Deputy Marquez yelled commands at the Suspect. He said, "We exited our vehicles and that's when I heard him, Deputy Marquez, yell out to the Suspect, 'Come out. Come out.' Uh, 'Hands up. Drop the machete.' Several times."

Deputy Contreras said they all approached the backyard by walking down the driveway. Hesaid, "Then Deputy Bowman was in front of me. I was behind her. I don't remember where Deputy [redacted] was at the time. But we started kind of running up the driveway. At this time I had my weapon drawn. I was thinking that maybe the Suspect somehow ran into that house. That's why I drew my weapon. Pointing my weapon towards the windows, any type of opening just in case he had popped out. It was anywhere between a quick pace and a run, if I can put it that way. We weren't running full force either. But we were pretty much running, or running, walking at a quick pace along the house. Then I hear additional commands and that's when I see the Suspect towards the rear of the residence um, in the back yard."

Deputy Contreras said once they cleared the end of the house he saw the Suspect. He said, "I believe as soon as we cleared the house, that's when we're looking this way. I guess that would be like southwest area, direction. I don't remember where exactly I first saw the Suspect. But I do remember as soon as we cleared the house, we saw him in this general area. I'm not sure in the middle. But maybe somewhat here towards the middle of the area. In the yard. He was looking...I believe he was looking towards us. And I, I remember seeing a machete. I don't remember exactly what point seeing the machete."

Deputy Contreras said, "When we first saw him, I was to the north of the white vehicle that's in the driveway, on his left side. He was facing us at first, I believe. He had it (machete) towards his right side." He said he, Deputy [redacted] and Deputy Marquez were lined up south to north in a line. He said he was to the south, with Deputy [redacted] to his right (north) and Deputy Marquez to the far north. He said the Suspect was to the west of them and he did not know where Deputy Bowman was located. He said, "I know that after we cleared the vehicle, the white four-door vehicle that was there, I know she was somewhere behind us because Deputy [redacted] was to my right and Deputy Marquez was to his right. So I didn't see her anywhere to my left. I know for a fact she was somewhere behind us. But what the distance was, I don't know."

IAB Note: See exhibit "E" for a crime scene diagram with Deputy notations on it.

IAB Note: See Exhibit "F" for pictures of the driveway and backyard for further information.

Deputy Contreras said, "So we start advancing. And I, I believe I come around the vehicle because I was in...the vehicle was kind of blocking my path. So I came around to get a clearer, clearer view. And I was advancing a little bit in front of Deputy [redacted] and he even, you know, asked me to move back a little bit. So then at this point, we were in line after we cleared the white vehicle. I believe it was Deputy Marquez and Deputy [redacted] ordered him to 'walk towards us' and to 'drop the machete.' But I do remember him complying with the, the commands that he was being given. Some...once, before we started advancing even further, I remember him being ordered to put the machete down. So he came back somewhere, I remember somewhere close the palm tree or just to the north of the palm tree. He puts the machete down towards his right side. Goes down to his right knee. Puts his hands on top of his head and looks towards, over his left shoulder."

Deputy Contreras said the Suspect had to be told many time to drop the machete and to get on the ground. He said, "And after he got down to one knee, looked over his shoulder, he was told to get on his stomach several times. He didn't. He was still saying something like, 'my [redacted] gonna kill me. My [redacted] gonna kill me. Fuck that. My [redacted] gonna kill me.' He said that throughout this, the whole incident. Then he picked up the machete, stands up, and then starts walking towards the center of the grass area. Then Deputy [redacted]..myself, Deputy [redacted] Deputy Marquez start advancing towards him, pretty much in a line formation, we start advancing towards him."

Deputy Contreras said they were approximately 10-15 feet away from the Suspect. He said, "They're still ordering him to drop the machete, them being Deputy [redacted] and Marquez. They're still giving him commands at this time. He's still repeating the same things. 'My [redacted] gonna kill me. My [redacted] gonna kill me.' Then at one point he raises the machete over his head, still in his right hand. And he's not really wielding it over his head, but he has it over his head, and he's kind of motioning over his head. Yeah, like in a circling motion, but still waving it over his head. Just holding it there."

Deputy Contreras said at this point he started to yell commands at the Suspect. He said, "Then that's when I started to yell commands. At first, I didn't wanna give any commands 'cause I didn't want to confuse the Suspect with two other Deputies already giving him commands. But at this point when he, once he raised it over his head, and he was in my exact correct line of fire. Still at the same distance, approximate distance (10-15 feet away from him). Then once he raised that, I started giving him commands once he had raised it over his right, over his head. I gave...I ordered him to drop it several times. And then he took two steps forward. I think once he took the second step, that's when I fired my round."

Deputy Contreras said he was in fear for his own safety. He said, "I remember him taking a step with his right foot, and I wanna say he took two steps. But I know as soon as I saw that right foot, that's when I fired. Because he was actually advancing towards me, and I was in fear for my safety and my Deputies' safety as well. I believe that he would have closed that gap in a matter of seconds if I would have allowed him to."

Deputy Contreras said he would have continued to fire at the Suspect if he continued to advance toward him. He said, "Yes. If he would have continued advancing, I would have continued on firing. I know my weapon. I'm familiar with my weapon. I've trained many times with it. It's not Department issue. It's my own. So I know what I feels like when it's empty. I know what it feels like when the slide is locked back. So I know for a fact that if he was to advance, I would have continued to fire. I shot. He stopped. And at that point after I shot my rounds, he did stop. The machete was brought down to his chest area. And he was no longer advancing. But I still kept my weapon on the Suspect."

Deputy Contreras said he thought he fired 4-5 rounds at the Suspect and did not know if he had actually hit him or not. He said, "Well, not really, because I, once I fired my rounds, I see him cringe. I believe he, once I fired my rounds, he still has the machete over his head. Then he comes down, brings it down towards, the machete down towards his chest and he cringes. I can see his body buckling. I think he was reacting to being hit. I wasn't sure if I hit him or not. It wasn't where you could tell...you had everything in slow motion. Everything was happening quick time. I mean, real time, not quick time."

Deputy Contreras said that day he did not know Deputy Marquez had also fired his weapon until after the incident. He said, "After he cringes...I don't see any blood or any injuries. But at that point, I had the feeling that he was hit, that I had hit him. I struck the Suspect. He cringes. He doesn't release the weapon. I know Deputy [redacted] deploys his Taser. He reacts to the Taser. And at some point, that's when he falls forward on top of the machete. No, not really, because it wasn't till later I found out that Deputy Marquez fired his weapon. The reason being is, as soon as I fired my rounds, my ears went numb. I had severe ringing for minutes after that. I was, I was still able to hear people speaking. But it was in a muffled type of environment where my ears went numb."

Deputy Contreras said he did not pick up the Suspect in his sights and it was a point and shoot situation. He said he was aware of his backdrop. He said, "But I know that I didn't see any bystanders behind the Suspect. I wasn't, I wasn't concerned of missing because, again, he was so close that I know all of my rounds were gonna hit the Suspect. Well, that's what I was hoping for. But I know I didn't see any bystanders in the backdrop. I remember seeing a fence. Maybe some ivy covering the property. Dividing the Suspect's property and the neighbor's property."

Deputy Contreras said he knew Deputy [redacted] had deployed the Taser and that Deputy [redacted] activated the Taser numerous times. He said, "I believe I heard it. And saw it. I saw the two prongs on the Suspect. He said Deputy [redacted] was giving the Suspect commands. He said, "Right. Numerous times. Just to get down. But one, I know after I shot, somewhere after that, the Taser was deployed. He reacted to the Taser. Started to shake a little bit. And then he fell forward on the machete."

Deputy Contreras said Deputy [redacted] activated the Taser numerous times and ordered the Suspect to roll over and show his hands. He said, "I believe they were telling him to roll over or attempting to roll him over, 'cause we knew that he had fallen on top of the machete 'cause we didn't see the machete anywhere around him. Numerous times. It was deployed to the point where I believe it was losing its battery power, 'cause I could...when it's first deployed, you can hear the clicks in a rapid succession. But because it was deployed numerous times, the successions were less and less frequent. That's how I knew that the Taser was losing its power." He said the Taser was activated at least seven times.

Deputy Contreras said the Suspect did not comply with the order to roll over and they had to approach the Suspect. He said, "No. I, I believe with Deputy Marquez had kind of rolled him over on his back. I believe he used his foot or...I'm not sure which foot he used. Or someone rolling him over. And I knew it was Deputy Marquez that kicked the machete over to the side. We rolled him back, the Suspect back on his stomach. He was still trying to get up. And as...I remember still having my weapon drawn on the Suspect. I knew at that point he was still trying to, attempting to get up. At some point the machete was kicked over to the side. And I holstered my weapon, withdrew my cuffs, and Deputy, I believe it was Deputy Marquez and I placed him in the handcuffs. And at the same time the Taser was still being deployed."

Deputy Contreras said he heard Deputy Bowman on the radio advising 998 asking for 902R.

[redacted]

IAB Note: See Exhibit "A" pages 34-36 for Homicide's supplemental report for further information. See Exhibit "D" for a CD containing Deputy Contreras' recorded Homicide interview.

IAB Note: See Deputy Contreras' transcribed IAB interview for further information.

Deputy John Marquez #[redacted] Temple Station, was interviewed on March 15, 2009 at 2030 hours by Homicide Investigators Ramirez and Guzman at Temple Sation. He was also interviewed on January 20, 2010 at 0837 hours by IAB Sergeants David Bly and Jessica Brothers. The interview took place at Internal Affairs Bureau and both interviews were recorded for review. The following is a summary of both interviews.

Deputy Marquez said he was working as a uniformed unit, 53T1 Days, which was a one person unit. He said he was an assisting unit on a family disturbance call at [redacted] Ellis Lane in the city of Rosemead. He said units 53, Deputy Bowman and her [redacted] Deputy Contreras and unit 53A, Deputy [redacted] were also assigned to the call.

Deputy Marquez said Deputy [redacted] told him to meet him north of the location and once there, they planned how they were going to approach the call. He said, "I believe Deputy [redacted] had given us instructions on who was going to do what. Non-lethal weapons. What approach we were gonna take and how we were gonna contact the individual if he was still standing on the street. Deputy Bowman, she had a ride-along with her that day. She was gonna use the stun bag. He ([redacted]) was gonna deploy the Taser. And I was gonna have the lethal force." He said Deputy Contreras was not given an assignment.

Deputy Marquez said they then drove to the location. He said, "We drove south towards the loc. When we got just north of the loc, we got out of our vehicle and proceeded to walk towards the, the house described in the call. But then my attention was drawn to the west side of the street where the older gentleman was, which I later found out was the Suspect's [redacted] approached us."

Deputy Marquez said Deputy [redacted] spoke to the Suspect's [redacted] and he only heard some of the conversation. He said, "[redacted] came back towards me and Bowman and told us that the [redacted] had just told him that the [redacted] ran inside the house. Apparently, I guess apparently the [redacted]...they were arguing in front of one of the houses on the [redacted] side of his address, and then went inside his vehicle. There was a blue truck parked in front of the street. I guess he was in there trying to get away, or trying to get his [redacted] to give him the keys. And then he exited the vehicle and ran inside his house. His [redacted] I believe, had told Deputy [redacted] that he went inside his house."

Deputy Marquez said he knew the Suspect was armed with a baseball bat and machete. He said Deputy [redacted] requested 50S (Able Moreno) to respond to the call and they were going to ask the Suspect to exit the house. He said, "We made some announcements over one of the radio car's PA for him to step out of the house. We didn't get any response or there was nothing from him, or any, any movement from

inside the house. So we waited there for a few more minutes. Waiting for the Sergeant to show up. During that process, the call was updated that he was possibly in the adjacent house. The houses are east and west, so that he had jumped the wall and now was on the other side of the street which would be Temple City Boulevard. I believe the call said that he was attempting to get one of the people there to, to get him access to a car and drive off."

Deputy Marquez said he left the location to check Temple City Blvd. He said, "After the update came out, I told Deputy [redacted] that I would go around to the other side of the street and see if I saw anyone fitting the description of the gentleman in the, or not the gentleman, but the Suspect described in the call. He agreed. So I, I drove southbound Ellis, and then I came up northbound on Temple City. As I was driving northbound on Temple City, I saw a vehicle parked in the, one of the driveways. I told Deputy [redacted] that if I did see him, I would tell him over L-TAC that he was on this side of the street and just keep my distance and just keep a visual on him."

Deputy Marquez said he saw the Suspect sitting inside an Explorer which was parked in the driveway at [redacted] Temple City Blvd. He said, "And the thing is, I think when the call came out, he was wearing a Levi's jacket. And when I saw him, he was wearing like a long sleeve button-down shirt. It was a light color one. A cream color. So when I drove by, he, he kind of looked. He was the same height. He was heavy-set. So I told [redacted] I believed that it was our Suspect, but that he had removed his jacket and that he was sitting in the vehicle parked in the driveway. And at that point, I continued driving several houses north, turned around, and parked. At that time Deputy [redacted] I believe, had come around and come up south on Temple City Boulevard with Deputy Bowman."

IAB Note: See Exhibit "E" for a diagram marked by Deputy Marquez.

Deputy Marquez said he saw the Suspect walk west down the driveway. He said, "After I drove north, and I kind of lost him for a few seconds when I turned, when I faced my car south, he had exited, walked up to the sidewalk, kind of poked his head, you know, northbound, saw me, and then immediately went west back down the driveway. I exited my vehicle. And at that point I saw Deputy [redacted] and Deputy Bowman parking their cars and exiting their vehicles, walking north on the sidewalk southbound."

Deputy Marquez said they (deputies) met at the driveway. He said, "I was just north of the driveway by this...that would have been a bush, I guess. And Deputy [redacted] was just south. And I saw Bowman behind him, and then her ride-along behind her. And I told Deputy [redacted] that he had, the Suspect went westbound down the driveway. And from the vantage point where I was at, I could see him kind of turning. There's another car parked down the driveway. I think whatever this object is. And that he had kind of went out of my view and went south. When I saw him, when I saw him again, I saw that he did have the machete in his hand as well as another object. And he had went, went out of my view."

Deputy Marquez said they started walking west down the driveway toward the backyard. He said, "I was still on the north side of the driveway. [redacted] and Bowman and Contreras were on the south side. So we.. [redacted] and I both started walking westbound down the driveway. I had [redacted] to my left. The driveway wasn't very, wasn't very big. So it's basically the two of us abreast. As we got closer to his car, I saw the Suspect farther down the drive, or the back yard, almost towards where these boats are at. He was looking back at us, and he was still armed with the machete and the, the baseball bat. It was a dark object. I wasn't sure it was a bat, but I know he had two objects in his hands. And I told [redacted] I can see him, and he was walking away from us and, and kind of turning around this trailer right here where I lost him again."

IAB Note: See Exhibit "F" for pictures of the driveway and backyard, the Suspect's weapons, and where the Suspect was shot.

IAB Note: The canvas covered "sheds" were located to the rear (west/southwest) of the backyard. The canvas "sheds" were covering two boats on trailers.

Deputy Marquez said they advanced down the driveway clearing different areas on the driveway, such as the garage and a white car.

Deputy Marquez said they advanced past a white car parked at the end of the driveway and he saw the Suspect again. He said, "After we kind of passed this, this car right here. 'Cause I remember it opened up, like it shows here in the diagram. And I had told [redacted] that I could see him turning (at) the trailer right here, and he was still armed with, with the machete for sure and the other object. I think it was a dark, dark bat is what they said later, but I know he had the two objects. He was walking away from us. He was looking over his right shoulder. I told Deputy [redacted] that he walked around the trailer, and he was no longer in my sight. Deputy [redacted] said okay, let's go in that direction. So we continued to walk westbound into the back yard."

Deputy Marquez said they continued the advance onto the grass. He said, "As we walked westbound down the back yard, I, I know [redacted] was to my left. And I could see the [redacted] to [redacted] to [redacted] left." He said he did not see where Deputy Bowman was and he could see Deputy [redacted] had the Taser out and he believed Deputy Contreras had his duty weapon drawn, but did not see it at this time.

Deputy Marquez said, "As we, as we approached the brick area where it becomes dirt, the Suspect came from around the trailer and began walking eastbound towards us. At that time when he came from around, we stopped right here. When he, when he showed himself again, that's when I told him to drop. I yelled, and I told him to drop the machete. At that point, I think he was only holding the machete. So I told him to drop it. He began to, to babble incoherently, saying someone was trying to get him, they're trying to kill him. They were after him. I was telling him to drop the machete. He complied at that point, and he did drop the machete there. The exact number I'm not sure. But it was several. More than, more then five. I began to yell at him, drop the machete, drop the machete, put the machete on the ground. And I said that for several moments."

Deputy Marquez said the Suspect did drop the machete and continued to walk around. He said, "He was walking towards us, but not like at a fast pace. Just staggering a little bit maybe toward us, and then after several attempts to tell him to drop the machete, he did comply. I told him to keep his hands above his head. Approach us. And he, he, he began walking toward us. About 20 feet, 35 feet from us, I told him to stop and lift his shirt to make sure he didn't have any other weapons on him, and to do a 360. He did. He complied. Then I told him to walk backwards 'cause now I had him facing away from us. And I told him to walk backwards towards the sound of my voice, which he complied. And then when he was about 20 feet from us, he, he stopped and turned over, looked over his right shoulder, and began yelling they're after me, you gotta help me, help me, they're trying to get me. I told him just to go down to his knees, and he did. He went down to his left knee."

Deputy Marquez said they did not approach the Suspect and he was giving him commands. He said, "And I was trying to get him to go down to his right knee so we could do a felony approach. He did not wanna go down to the right knee. So I told [redacted] I'm gonna go and I'm gonna hook him, even though he was still on one knee. And that if he were to move, you know, to Tase him. As I approached him, then I, I got close. I think within 10 feet, then I put my gun away. At that point, he got up and began to, not so much run, but fast walk, speed walk back towards the area where the machete was at. I pulled out my gun again and I told him to stop. You know, go down to your knees. 'Don't go near the machete. Stop where you're at.' And as I approached, I think we all got back on line again, the three of us. Or I know [redacted] for sure. Contreras, I'm not...I wasn't...I don't know exactly where he was until he fired. And then I knew he was to the left of [redacted] But before I get ahead of myself, as he began to walk away from us, in the general direction of where he had laid the machete, I was ordering him, you know, 'don't get the machete.' You know, go down to your knees. And then he kind of took off to run, picked up the machete, turned around and faced us. And he was waving the machete over his head."

Deputy Marquez said the Suspect advanced toward Deputy Contreras. He said, "He has it in his right hand. And he's waving it over his head. You know, 'they're trying to kill me. They're trying to kill me.' You know, you need...I don't know if he said you need to help me...I mean, I'm assuming...it's been awhile now. But I know he was saying 'they're trying to kill me, they're trying to kill me.' He's waving the machete. At that point, it was still..[redacted] was to the south of me, to my left. And Contreras, then I found out, because the Suspect began to walk westbound, south and west, southwest. Waving the machete. And then I saw him kind of begin to make an aggressive lunge at, what I later found out was Deputy Contreras. So he kind of made an aggressive lunge, pulled over, pulled the machete over his, over his head, lunged at Deputy Contreras. He cocked it back over his head in his right hand, like he was gonna swing it. That he was gonna attack. I, I thought that Deputy [redacted] and Contreras were south of me. So I thought he was gonna attack them."

Deputy Marquez said the Suspect took several steps toward Deputy Contreras and he heard gunshots. He said, "He took a couple of really fast, I believe a couple of fast steps or just, he made a quick movement towards the south, south of me. I heard several shots. And I kind of looked back. That's when I saw Deputy Contreras shooting. I'm backing up at the same time."

Deputy Marquez said he heard three gunshots and saw Deputy Contreras shooting his weapon. He said, "More in my peripheral vision because I'm trained...I still have my weapon out. I'm looking at the Suspect. And he makes that aggressive lunge towards, towards Deputy Contreras. And out of my peripheral vision, I could see Deputy Contreras backing up and shooting. And then the shooting stopped. Then the Suspect's still standing. So he turns and faces me and [redacted] So, I thought that instantly, either Contreras tripped, got hurt, or somehow was incapacitated, and the Suspect is standing now maybe 15 feet . Actually, I thought, I thought Contreras had missed because the Suspect turned towards me and [redacted] And I didn't see him flinch. I didn't see any reaction from him, from the sound of Deputy Contreras' weapon. So I mean, all I had, based on TV...you know, I figure someone gets shot...I've never seen anyone get shot before. So I assumed if you got hit, you fall down. But he...I didn't see any reaction from him. He just turned towards me and Deputy [redacted] And he was still screaming and waving the machete over, over his head. So I assumed...I feared that Contreras somehow became incapacitated and was no longer gonna be able to, to engage. And then the Suspect turned towards us screaming, and then lunged towards myself and [redacted] 'Cause at that point, we're...me and [redacted] were maybe almost side by side. So he turned towards me and Wang. And made another aggressive approach towards us. And that's when I fired."

Deputy Marquez said he thought he fired twice at the Suspect and he used his sights to aim at the Suspect's chest. He said, "You know what? After I fired, he was still standing. And I, and I assumed that I had missed. I had, I had, I had it like I was in the firing range, and, and shooting for qualification. And I had him squared, and I couldn't believe I missed. I guess it was the training. 'Cause I, I found out later I fired the three shots. And I was about to...I was re-assessing, and I was gonna fire again. And that's when I heard the Taser go off. I knew that Deputy [redacted] had the Taser out. So if I had missed and Deputy [redacted] Deputy [redacted] only had the one option to shoot the Taser. And if he had missed, then he would have been on us in a matter of seconds. And so I, I was gonna fire again. But that's when I hear the Taser go off."

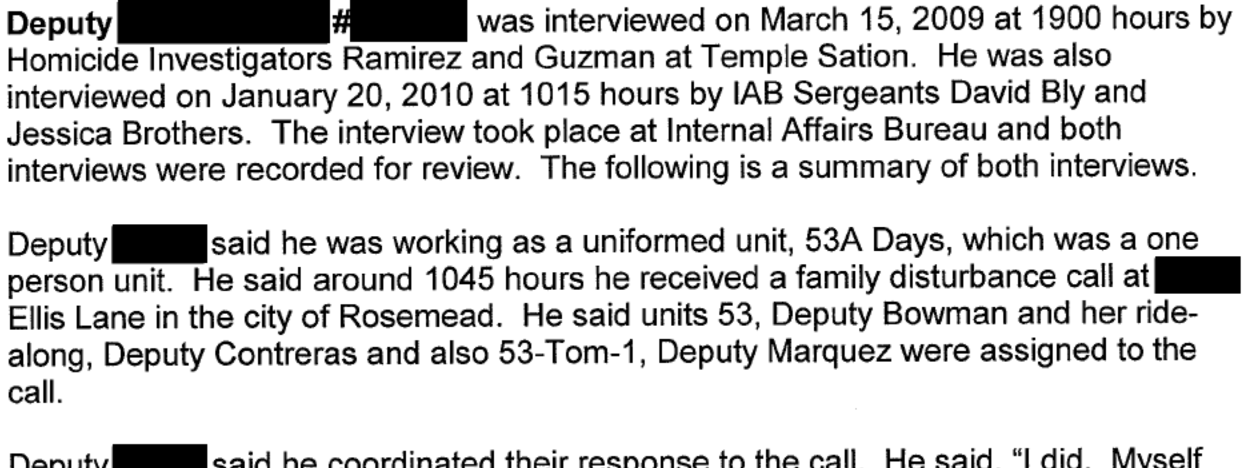
Deputy Marquez said the Taser was effective. He said, "He reacted to the Taser. I guess he had got him, he Tased him, and he fell down. He fell over. He kept the machete underneath him. So I thought he fell on the machete. He had his hands underneath his chest. So we approached him at that point, and I told him to, you know, 'throw out the machete, drop the machete.' And he would not let go of the machete. He kept it underneath him. I gave several orders for him to throw the machete away from him, but he did not comply. I think I told Wang to Tase him again to see if he would, you know, get away from the machete. I told him to roll over, roll away from the machete. But he wasn't, he was not, he wasn't complying at all. Finally after several attempts, he had...he kind of rolled to his side, let go of the machete, and that's when I saw that he was bleeding."

Deputy Marquez said he believed he heard the Taser activate three times. He said, "He, he was on his chest, so he rolled kind of onto his back, and released the machete. While he was on his back, I told [redacted] I'm gonna kick the machete away so we can handcuff him. I told him if he made any attempt to go after the machete to Tase him again. I, I kicked the machete away, and I ended up kicking it to the, somewhere by the trailer right here. Then he rolled back onto his stomach. And then Contreras and I ended up handcuffing him."

Deputy Marquez said he saw Deputy Bowman transmitting on the radio and 50S and fire/rescue arrived at the scene. He said, "I knew...I saw Bowman on the radio. And I knew she had the radio, and she was kind of taking over that aspect of it. So I left it up with her and I kept my attention focused on, on getting the situation to where we had him handcuffed. We had him handcuffed. The Sergeant walks into the back yard. Fire, I believe, followed him a few moments after that. Then they, they went up to the Suspect and they began doing first aid on him."

IAB Note: See Exhibit "A" pages 36-39 for Homicide's supplemental report for further information. See Exhibit "D" for a CD containing Deputy Marquez's recorded Homicide interview.

IAB Note: See Deputy Marquez' transcribed IAB interview for further information.

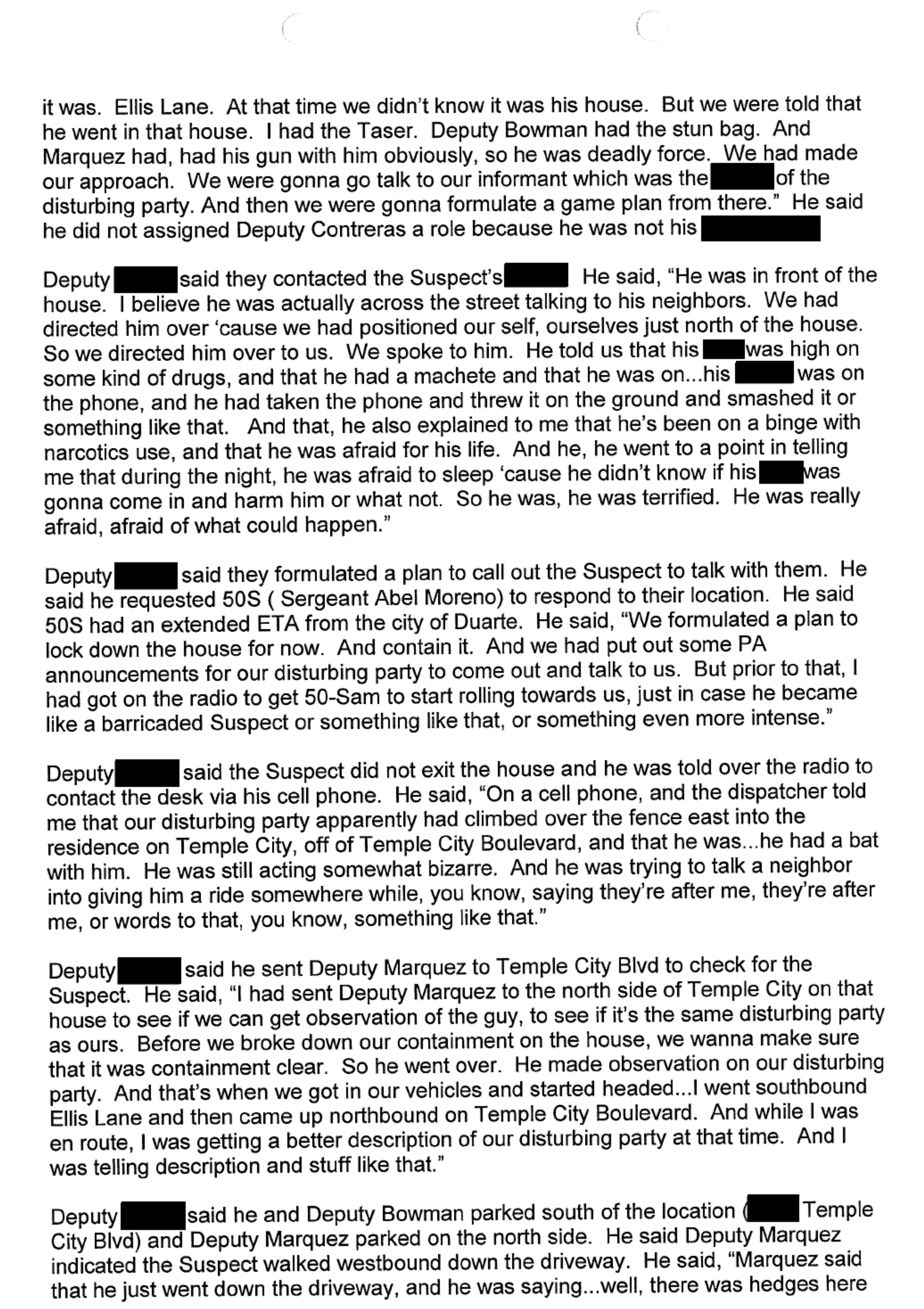


Deputy [redacted] #[redacted] was interviewed on March 15, 2009 at 1900 hours by Homicide Investigators Ramirez and Guzman at Temple Sation. He was also interviewed on January 20, 2010 at 1015 hours by IAB Sergeants David Bly and Jessica Brothers. The interview took place at Internal Affairs Bureau and both interviews were recorded for review. The following is a summary of both interviews.

Deputy [redacted] said he was working as a uniformed unit, 53A Days, which was a one person unit. He said around 1045 hours he received a family disturbance call at [redacted] Ellis Lane in the city of Rosemead. He said units 53, Deputy Bowman and her ride-along, Deputy Contreras and also 53-Tom-1, Deputy Marquez were assigned to the call.

Deputy [redacted] said he coordinated their response to the call. He said, "I did. Myself and Deputy Bowman, 53, we were at a 415 juvie call before the call came out. I believe it's Code 3 response. And I jumped on. We were a few seconds away. I was given the call. We...I had set up our units to meet just north of the location. And I knew that Deputy Bowman was behind me. During the time where I was coordinating it, I had also asked my sister units if they had a, you know, any Tasers, stun bags, and less lethal weapons available."

Deputy [redacted] said he and Deputies Bowman and Contreras arrived north of the location and waited for Deputy Marquez. He said they all met and planned how they were going to approach the call. He said, "We did. As we went 97 on a call, meeting up on the north end...the call got updated through SCC that our informant had advised that this disturbing party had a machete and had just went into a house. [redacted], I believe



it was. Ellis Lane. At that time we didn't know it was his house. But we were told that he went in that house. I had the Taser. Deputy Bowman had the stun bag. And Marquez had, had his gun with him obviously, so he was deadly force. We had made our approach. We were gonna go talk to our informant which was the [redacted] of the disturbing party. And then we were gonna formulate a game plan from there." He said he did not assigned Deputy Contreras a role because he was not his [redacted]

Deputy [redacted] said they contacted the Suspect's [redacted] He said, "He was in front of the house. I believe he was actually across the street talking to his neighbors. We had directed him over 'cause we had positioned our self, ourselves just north of the house. So we directed him over to us. We spoke to him. He told us that his [redacted] was high on some kind of drugs, and that he had a machete and that he was on...his [redacted] was on the phone, and he had taken the phone and threw it on the ground and smashed it or something like that. And that, he also explained to me that he's been on a binge with narcotics use, and that he was afraid for his life. And he, he went to a point in telling me that during the night, he was afraid to sleep 'cause he didn't know if his [redacted] was gonna come in and harm him or what not. So he was, he was terrified. He was really afraid, afraid of what could happen."

Deputy [redacted] said they formulated a plan to call out the Suspect to talk with them. He said he requested 50S (Sergeant Abel Moreno) to respond to their location. He said 50S had an extended ETA from the city of Duarte. He said, "We formulated a plan to lock down the house for now. And contain it. And we had put out some PA announcements for our disturbing party to come out and talk to us. But prior to that, I had got on the radio to get 50-Sam to start rolling towards us, just in case he became like a barricaded Suspect or something like that, or something even more intense."

Deputy [redacted] said the Suspect did not exit the house and he was told over the radio to contact the desk via his cell phone. He said, "On a cell phone, and the dispatcher told me that our disturbing party apparently had climbed over the fence east into the residence on Temple City, off of Temple City Boulevard, and that he was...he had a bat with him. He was still acting somewhat bizarre. And he was trying to talk a neighbor into giving him a ride somewhere while, you know, saying they're after me, they're after me, or words to that, you know, something like that."

Deputy [redacted] said he sent Deputy Marquez to Temple City Blvd to check for the Suspect. He said, "I had sent Deputy Marquez to the north side of Temple City on that house to see if we can get observation of the guy, to see if it's the same disturbing party as ours. Before we broke down our containment on the house, we wanna make sure that it was containment clear. So he went over. He made observation on our disturbing party. And that's when we got in our vehicles and started headed...I went southbound Ellis Lane and then came up northbound on Temple City Boulevard. And while I was en route, I was getting a better description of our disturbing party at that time. And I was telling description and stuff like that."

Deputy [redacted] said he and Deputy Bowman parked south of the location ([redacted] Temple City Blvd) and Deputy Marquez parked on the north side. He said Deputy Marquez indicated the Suspect walked westbound down the driveway. He said, "Marquez said that he just went down the driveway, and he was saying...well, there was hedges here

in front of the house. He said hey, he just went down that driveway by the hedges. So we formed up in front of the driveway of [redacted] I had my stun, Taser. Bowman had her stun bag. And Marquez with his duty weapon." He said he knew the Suspect was armed with a baseball bat and machete.

IAB Note: See Exhibit "E" for a diagram marked by Deputy [redacted]

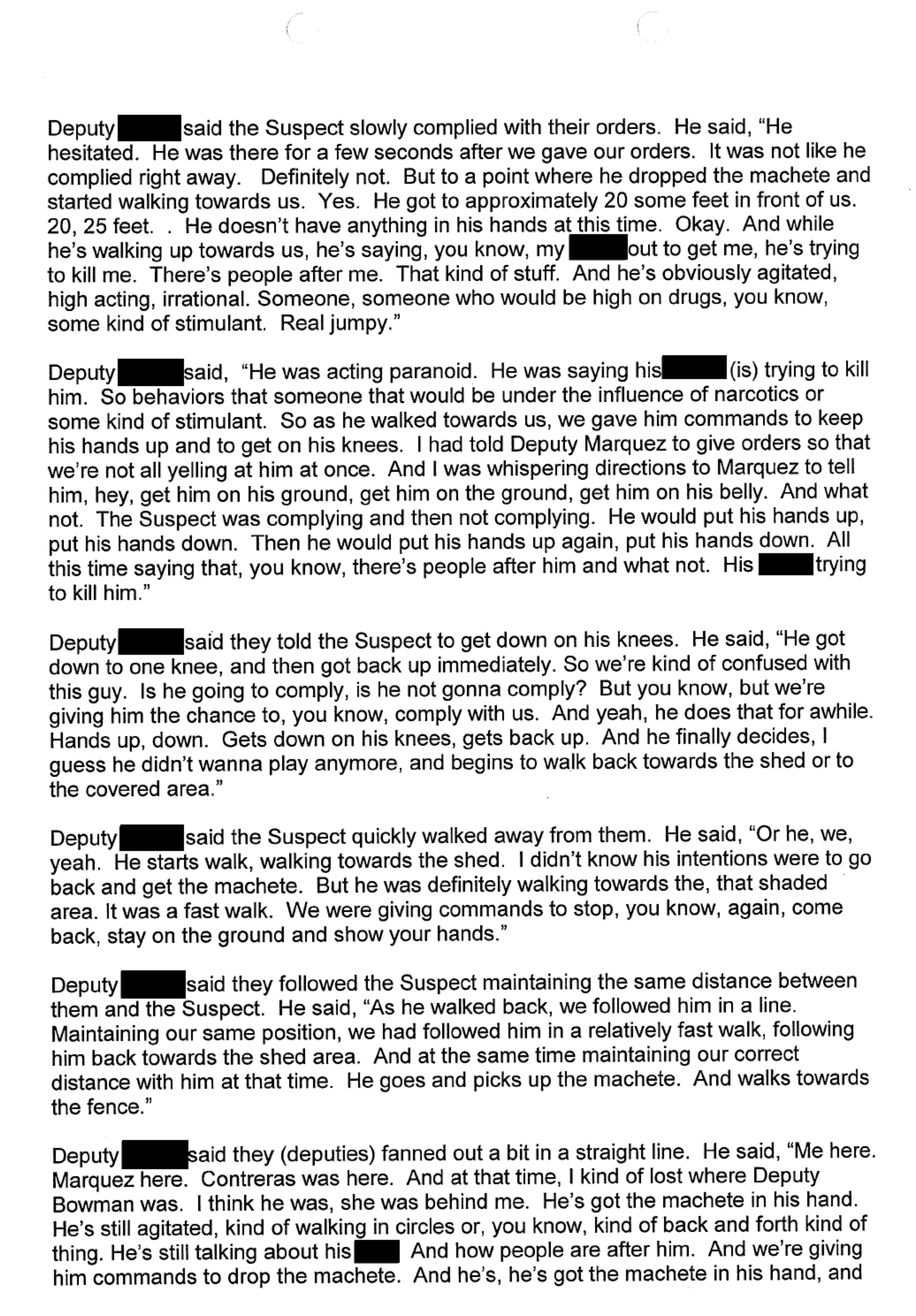
Deputy [redacted] said they walked west, down the drive way. He said, "I think I, because the driveway was kind of narrow, I think I went down first with Deputy Marquez, Bowman and Contreras just behind. So we're kind of, you know, trying to make our way down past the, the cars and what not. While we were walking down, we were giving out verbal commands to come out. And his name was Eduardo. So we're saying Eduardo, come out. You know, we wanna talk to you. So we just kept approaching down the driveway while giving commands."

Deputy [redacted] said they made their way to where the end of the drive was and the start of the grass/backyard area. He said he was sure they tactically made their way down the driveway. He said, "I remember. I remember this car. It was a white car. And these...I do remember there was a garage here. I don't remember exactly whether a car's in there or not. I don't remember. I'm not sure if my partners did or not. I, I can't remember if we did or not. I'm sure we did. But if...I'd be lying if I said I remember exactly that I cleared this car or that car. But I'm sure we did clear them on the way down. I was walking down with my Taser drawn. And you know, as tactically as possible."

IAB Note: See Exhibit "F" for pictures of the driveway and backyard, the Suspect's weapons, and where the Suspect was shot.

Deputy [redacted] said he first saw the Suspect when he reached a parked white car at the end of the driveway. He said the Suspect came out from an area in the rear of the yard near some covered sheds. He said, "I was, I was probably right here in front. I think Marquez was to my right. And Deputy Bowman and Deputy Contreras was to my left. He popped out from somewhere around here. Probably in the middle area, like the shed over here. Yeah. Where these, these covers with the shed. He popped out, and he was probably around, closer up towards the shed. He popped out there. And he had a, he had a machete in his hand. I believe it was his right hand. We advanced to about here."

Deputy [redacted] said they advanced toward the Suspect approximately 15 feet and they were now west of the white car. He said the Suspect walked toward them approximately 10-15 feet still holding the machete. He said, "And we give him commands to drop the machete. He kind of stands there for a little bit of time. Not too long. He ends up dropping the machete and then walking towards us. So we maintain our position here and, while he walked towards us. And we're giving him commands to walk towards us after he dropped the machete. He was speaking, but I can't remember what he was saying. He was saying...he...yeah. My [redacted] trying to kill me. They're out to get me. To that effect."



Deputy [redacted] said the Suspect slowly complied with their orders. He said, "He hesitated. He was there for a few seconds after we gave our orders. It was not like he complied right away. Definitely not. But to a point where he dropped the machete and started walking towards us. Yes. He got to approximately 20 some feet in front of us. 20, 25 feet. . He doesn't have anything in his hands at this time. Okay. And while he's walking up towards us, he's saying, you know, my [redacted] out to get me, he's trying to kill me. There's people after me. That kind of stuff. And he's obviously agitated, high acting, irrational. Someone, someone who would be high on drugs, you know, some kind of stimulant. Real jumpy."

Deputy [redacted] said, "He was acting paranoid. He was saying his [redacted] (is) trying to kill him. So behaviors that someone that would be under the influence of narcotics or some kind of stimulant. So as he walked towards us, we gave him commands to keep his hands up and to get on his knees. I had told Deputy Marquez to give orders so that we're not all yelling at him at once. And I was whispering directions to Marquez to tell him, hey, get him on his ground, get him on the ground, get him on his belly. And what not. The Suspect was complying and then not complying. He would put his hands up, put his hands down. Then he would put his hands up again, put his hands down. All this time saying that, you know, there's people after him and what not. His [redacted] trying to kill him."

Deputy [redacted] said they told the Suspect to get down on his knees. He said, "He got down to one knee, and then got back up immediately. So we're kind of confused with this guy. Is he going to comply, is he not gonna comply? But you know, but we're giving him the chance to, you know, comply with us. And yeah, he does that for awhile. Hands up, down. Gets down on his knees, gets back up. And he finally decides, I guess he didn't wanna play anymore, and begins to walk back towards the shed or to the covered area."

Deputy [redacted] said the Suspect quickly walked away from them. He said, "Or he, we, yeah. He starts walk, walking towards the shed. I didn't know his intentions were to go back and get the machete. But he was definitely walking towards the, that shaded area. It was a fast walk. We were giving commands to stop, you know, again, come back, stay on the ground and show your hands."

Deputy [redacted] said they followed the Suspect maintaining the same distance between them and the Suspect. He said, "As he walked back, we followed him in a line. Maintaining our same position, we had followed him in a relatively fast walk, following him back towards the shed area. And at the same time maintaining our correct distance with him at that time. He goes and picks up the machete. And walks towards the fence."

Deputy [redacted] said they (deputies) fanned out a bit in a straight line. He said, "Me here. Marquez here. Contreras was here. And at that time, I kind of lost where Deputy Bowman was. I think he was, she was behind me. He's got the machete in his hand. He's still agitated, kind of walking in circles or, you know, kind of back and forth kind of thing. He's still talking about his [redacted] And how people are after him. And we're giving him commands to drop the machete. And he's, he's got the machete in his hand, and

he's got it over in his right hand, over his head twirling it in an aggressive manner. Again we're maintaining our position here. And giving him orders to drop the machete."

Deputy [redacted] said Deputy Contreras was to his left (to the south) and Deputy Marquez was to his right (north) and the Suspect continued to ignore their orders. He said the Suspect was approximately 20-25 feet in front of them (to the west). He said, "We're probably 20, 25 feet. So we're giving commands to drop the machete and comply with our orders. He does the, you know, the twirling the machete in his right hand above his head. And then he takes two, or one two real aggressive steps, like a, almost like a running start towards Deputy Contreras. Deputy Contreras fires two or three shots at the Suspect. And Marquez also fires his rounds at the Suspect."

Deputy [redacted] said he heard 2-3 gunshots and looked at Deputy Contreras. He said, "I looked over. I can't, I can't say for a fact that, that I saw him in a shooting position. Well, he was in a shooting position. But I can't say that I actually saw him pull the trigger."

Deputy [redacted] said Deputy Marquez also shot at the Suspect right after Deputy Contreras. He said, "It wasn't a long distance time-wise between Contreras shooting and Marquez shooting. So almost simultaneous, but not quite. Split seconds from one to another." He said he did not see Deputy Marquez shoot at the Suspect. He did look at Deputy Marquez after hearing the gunshots and saw him pointing his weapon at the Suspect.

Deputy [redacted] said the Suspect reacted to the gunshots. He said, "The Suspect kind of took a step back. He took his hands and put it towards his chest. And he still had the machete in his hand. So he's kind of bracing himself from the impact or from just hearing the shots. I didn't know if he was being, if he actually got shot, or hit at that time."

Deputy [redacted] said the Suspect continued to stand holding the machete and he advanced toward the Suspect approximately 5 feet. He said, "Well, he was still standing there. And he still had the machete in his hand. So I walked up maybe two, three steps towards him, and thinking that he was still, you know, being, you know, still in the fight or what not, he was still conscious, you know. Kind of weird that if he got shot, and he's still standing there with the machete, so I Tased him. Apparently, I got a good contact with the Suspect because he immediately reacted to being Tased." He said the Suspect was approximately 15-20 feet from them when he deployed the Taser.

Deputy [redacted] said the Suspect fell to the ground. He said, "He, he stood there for a bit, shook, and then went face down. Fell to the ground. When he fell down, he was still crunching his, or clutching his chest and machete in hand. So he went down on top of his machete with his hands underneath him. We, yeah, we were still giving him orders. Show your hands. Drop the machete. And comply with the orders."

Deputy [redacted] said the Suspect did not comply with their orders and attempted to get up off the ground. He said, "He had the machete still in his right hand. Still with his body weight on top of it. Continued to give him orders to throw out the machete. He, he didn't. He still continued to keep the machete in his hand, so I initiated the Taser one more time. And every time that I initiated the Taser, I would let it go the full five seconds. And after that, we would ask, again give him orders to drop the machete. And he would, he would make movements to get up. And then every time, you know, Tase him. He'd try to get up. Didn't comply with the orders. And I initiated the Taser again, which would put him back down, probably six, seven times." He said he activated the Taser "a total of 7-8 times".

Deputy [redacted] said, "Probably around the seventh time, I had turned to Marquez and said that this time when I Tase him again, try to either, you know, try to kick the knife away from him. Try to get it away from him. So when I Tased him, I can't remember if he had dropped the knife or it had been loosened out of his hand. But Marquez was able to kick it out of his, his way. After that, we gave him orders to remain on his back and put his hands behind his back. And he didn't comply. And so I Tased him again. And at that time I said hey, once I Tase him this time, jump on him and put restraints on him. I believe it was Marquez and Contreras that helped with the handcuffs. After that, Deputy Bowman, I remember hearing her get on the radio, putting out traffic that we were involved in the shooting."

Deputy [redacted] said fire/rescue arrived and treated the Suspect.

Deputy [redacted] said he thought the Suspect was under the influence, extremely agitated and that he was going to hurt someone.

Deputy [redacted] said he did not think about dawning his duty weapon during the incident. He said, "It was, it was fast. I maintained my Taser. It was fast. I mean, it wasn't, it wasn't like he made his steps and then Contreras thought about it and shot him. You know, it was right when he began to make his steps, you know, his quick motions that Contreras shot. So there really wasn't time to go, okay, I should go to my primary weapon or, you know, this and that. By the time, you know, he made his mo, his motion, Contreras had already shot him. Fired at him."

IAB Note: See Exhibit "A" pages 31-34 for Homicide's supplemental report for further information. See Exhibit "D" for a CD containing Deputy [redacted] recorded Homicide interview.

IAB Note: See Deputy [redacted] transcribed IAB interview for further information.

SWORN WITNESS STATEMENTS:

Deputy Janine Bowman, #[redacted] Temple Station, was interviewed on March 15, 2009 1810 hours by Homicide Investigators Ramirez and Guzman. The interview took place at Temple Station and was recorded for review.

Deputy Bowman said she was working an uniformed unit, 53 Days, [redacted] Court Services Deputy Mario Contreras. She said Deputy Contreras was not in uniform and he was wearing a polo shirt and khaki pants, with a side holster and handgun.

> **IAB Note: During this time period, non-patrol trained deputy personnel who participated in the ride-a-long program, wore civilian attire.**

Deputy Bowman said she and unit 53A, Deputy [redacted] received a family disturbance call. She said, "I received a call of the 415-family on um, Ellis. Um, originally the call stated that a male Hispanic um, was at the location wielding a bat at his family members. Um, me and 53-Adam we were actually. Deputy [redacted] We were actually coming from a -- another call prior. So we were rolling in tandem together at the same time. Um, we set up one, approximately one block north of the location. And while we were getting set up there waiting for 53-Tom-1, which is Deputy Marquez, to respond to that location, an update via um, Temple Desk L-Tac radio said that he now was in front of the house with a machete in his hand."

Deputy Bowman said while they waited for Deputy Marquez to arrive, she and Deputy [redacted] planned how they would approach the call. She said, "Yes. So at that point um, given the fact that he had a uh, possibly had a machete in his hand and he was in front of the location, um, Deputy [redacted] and myself decided that we were going to um, utilize or have available our less than lethal weapons. Um, ready, prepared. Um, Deputy Marquez then showed up. We let him know via radio that Deputy [redacted] was going to be utilizing the Taser if necessary and I would be utilizing the stun bag if necessary. And I told Deputy Contreras, if necessary, you're going to be on um, your hand gun. So that was all understood. They gave us another update. He crossed the street into [redacted] Ellis and went inside the house. To -- we asked the desk, as far as on relatives is there anyone else in the house? They said no."

Deputy Bowman said they all drove to the location and contacted family members. She said, "Deputy [redacted] was a primary car. I was secondary. And Marquez was the third car. So we were rolling together down the street. Um, we believed at this point that he was in front of the house with this machete. Um, then as we were, were approaching the house the desk updates that now he has gone inside the house. So we um, stop our cars just north of the location, approximately one house north of the location. I take out the stun bag. Um, Deputy Contreras has his hand gun. Um, Deputy [redacted] um, I believe he has his Taser ready at that point. And we um, advise 50-Sam to start rolling. He advises us that he is going to be coming from Duarte, which is an extended e.t.a. um, to the location. So at this point we um, talk to the [redacted] of the Suspect. He only spoke Spanish. Deputy Contreras was able to um, communicate with him. Then he -- we had the [redacted] come and he was explaining to us that there was nobody else in the

house. Um, he told us where his room was. Um, and last he knows he had the machete with him. So we decided to just wait until 50-Sam come -- came -- and go from there, because it was a stagnant situation at this point."

Deputy Bowman said they were told the Suspect was under the influence of drugs and that the Suspect could gain access to the neighbor's rear yard via steps leading over or through a rear fence. She said they were waiting for 50S to arrive when Deputy [redacted] received an update via his cell phone from Temple Station desk personnel. She said, "He calls on the cell phone. He calls them and is informed that a neighbor at I don't -- I don't know the exact location to that house just east. Um, told him that he is now in their yard still with the machete."

Deputy Bowman said, "Now, given the information that the [redacted] told us and now with this update we believed he was, in fact, at that location. Um, Deputy Marquez -- we didn't -- myself and Deputy um, [redacted] did not want to leave the, the primary location, unattended. So, we stayed at the primary location and Deputy Marquez went around the corner to get an obs to see if there was possibly anyone matching his description, with the understanding that if he saw him, let us know and we were going to go."

Deputy Bowman said they received an updated description of the Suspect and Deputy Marquez saw the Suspect on Temple City Blvd. She said, "With that updated description now he's wearing a white shirt and blue jeans. So, at this point Deputy Marquez believed he saw somebody matching that description so me and Deputy [redacted] got in our vehicles." She said they drove to Temple City Blvd.

Deputy Bowman said she saw Deputy Marquez pointing down a driveway [redacted] Temple City Blvd). She said, "He -- uh, he got us on the radio and said, 'Yes. There is somebody matching the description in this area.' So me and Deputy [redacted] got in our vehicles, drove um, around to Temple City Boulevard and came up the street just south of the location. Um, then Marquez said, 'I saw him go down that driveway. He's down that driveway.' So I come out with my um, stun bag. Deputy uh, Contreras gets out of the vehicle as well. We approach the driveway. Um, I hear Marquez yelling commands. On the sidewalk. Marquez is coming southbound on the sidewalk and as -- and we're not in their driveway yet. He's yelling, 'We know where you are. I see you.' Something to that affect. 'Come out'." 'Come out to us.' He's trying to get him to come out to us. Um, there's no response, no movement, we don't hear anything, so we're s -- okay, let's approach down the driveway."

Deputy Bowman said they approached the driveway and started to walk down the driveway together. She said, "Right in front of the driveway. So at that point myself, Deputy [redacted] and Deputy Contreras are coming around the corner -- the shrubbery -- and we're walking down the south side of the driveway. Marquez is on the north side. Then [redacted] comes up more towards the north end and is kind of um, walk -- there is a vehicle right at the front so we have to split. So me and Contreras take the, the south side of the vehicle. Deputy [redacted] and Marquez take the north side. And we go around the vehicle. Then um, approach down the driveway. There's another -- a white car at the very end of the driveway. Um, at this point I'm not sure who -- it was Marquez. I was asking Marquez, 'Where did you go? What exactly did you see?' He -- and then

Marquez says, 'He's in the shed. He's in the shed. He's coming from the shed.' So at that point um, now I have a target, or an area where I can focus on. Um, I see movement in a rear -- I don't know if I want to call it a shed. It's like a, maybe a covering with a tarp. It's not necessary a shed."

Deputy Bowman said she was looking at the "shed". toward the end of the yard when she saw the Suspect approximately 50 feet away from her. She said, "He comes out from that covering with the tarp, and he's walking and he has a machete to his side. He's carrying the machete in his right hand. Um, we immediately give commands. He keeps approaching us. We're like, 'Drop the machete. Drop the machete.' I held my stun bag on him. Uh, saying, you know, 'Drop the machete or we're going to shoot you.' And he keeps walking towards us."

Deputy Bowman said they continued to tell the Suspect to drop the machete, but he ignored their orders and continued to approach them. She said there was a white car parked at the point of the end of the driveway and at the start of the grass/rear yard area.

Deputy Bowman said, "Deputy Contreras went around the car and up with um, Deputy Marquez and Deputy [redacted] They were also at the south -- north of the car. I have my stun bag on the Suspect and I'm saying, 'Drop the gun.' I mean I'm sor – excuse me, 'Drop the machete. I'm going to shoot you if you don't drop the machete.' And then we all started, 'Drop the machete. Drop the machete.' He's not dropping it. He keeps approaching us. And there's a tree. Right at the tree he puts the machete down and he still continues to advance. However, because he dropped the machete, we believed -- or, I believe he's complying at this point. We give him commands, 'Stop. Stop. Stop walking. Turn around. Don't face us. Put your hands in the air'."

Deputy Bowman said before the Suspect dropped the machete she thought she would have to shoot him. She said the Suspect was now approximately 20 feet away from her. She said, "I'm thinking at th -- prior to him dropping the machete, which was up until that 20 feet, I'm thinking he is coming to kill us, because he's not dropping that machete. He's ignoring all our commands. I'm going to have to shoot this guy. I was afraid. I was afraid, because he could have closed that distance in very quickly and he was closing in and he wasn't complying with anything that we were saying. Um, once he dropped the machete near the tree he continued about another ten feet. Um, we're telling him to, 'Stop. Stop walking.' He stops. Um, I tell him to put his hands up. He puts his hands up, but then he puts them back down."

Deputy Bowman said the Suspect was approximately 15 feet in front of her and they continued to give the Suspect commands. She said, "Um, tell him to put his hands up. He complies, but then he brings them right back down. Then he does it again. He goes, 'I don't have anything. And, and, uh, and my [redacted]going to kill me.' Okay. And then he puts them up and I -- one of the other deputies gave him commands to get on his knees. He got on his knees. Tell him to inter-lace his fingers behind his um, on his head. He complies. And at that point he stood up again, walked towards the machete which is still near the tree, picks up the machete and starts walking away from us. Um, and we're saying, 'Stop. Stop. Stop walking. Drop the machete. Drop the machete. Stop walking'."

Deputy Bowman said understood the Suspect's comment "my [redacted] going to kill me" as his [redacted] was mad at him and he was in trouble.

Deputy Bowman said they followed the Suspect, but still keeping their distance from him. She said, "We are now following him, but keeping a -- I would say got to about -- we let him advance about 25 feet distance from us. And then we slowly approached. But I kind of maintained the same distance, because I'm on the stun bag and I realize if I have to deploy that stun bag I need a certain distance in order to do it safely and effectively. Um, Deputy Contreras, [redacted] and Marquez approach him -- approach around the car. And we're continuing to give commands. 'Drop the machete. Stop walking. Drop the machete.' He keeps walking. My fear -- what's going in my head if he's trying to get back over that wall. And knowing that we have the family members who called us, we need to stop him before he does that. I believed he was very capable of um, killing someone at that moment."

Deputy Bowman said the Suspect placed the machete down on the ground, close to his feet. She said the Suspect picked the machete again and Deputies Contreras, Marquez, and [redacted] continue to approach the Suspect. She said the Suspect turned to face them, holding the machete in his right hand. She said, "So we're trying to get him to comply again, you know, um, 'Keep your hands up.' Maybe do, you know, get him on his knees again. At this point he quickly drops down, picks up the machete, and now Deputy Marquez is maybe approximately I'm assum – excuse me. Deputy Contreras is maybe approximately ten feet away from him and he kind of swings at Deputy Marquez -- I mean -- Deputy Contreras. He's -- raises his right hand in the air with the machete in it and kind of slight -- brings it slightly forward. Um, and that's when uh, Deputy Contreras fired his duty, his duty weapon, and um, I believe Deputy Marquez fired his duty weapon at that point."

Deputy Bowman said she was afraid for her partner's safety. She said, "I was thinking he was um, he was going to kill Deputy Contreras." She said both Deputy Contreras and Marquez were approximately 10 feet away from the Suspect when they shot. She said she did not hear the Suspect say anything before he was shot and she was focused on the machete.

Deputy Bowman said the Suspect did not fall to the ground. She said, "I heard the gunshots and then on saw blood on the Suspect's shoulder -- upper shoulder. Um, upper -- I want to say it's the right shoulder. I saw blood. I immediately got on the radio and put out emergent traffic that there was a Suspect that has been shot. However, the Suspect was still standing. After he had been shot. He was still standing."

Deputy Bowman said she backed away and put out radio traffic. She said, "I don't recall what happened at that point. Um, I kind of backed off the whole scenario. I wanted to get that traffic out. Um, that was my priority at that point. Because I was the, I guess, least involved. And I was the most capable for putting out the radio traffic at that point. So I backed off. Um, got the information out over the radio. Um, he, the Suspect, he didn't go down right away. I want to say he was standing for another 30 seconds. Well, the machete was still in his hand. Um, he was continuing to kind of flail about. Um, at this point I heard the Taser being deployed. The electrical charges, the sound the Taser makes when it's deployed. And I saw Deputy [redacted] deploying the

Taser. And at that point the Suspect went to the ground. However, um, the Suspect balled up, his hands balled up, and he still had the machete under his torso in his hands, we believed -- in his hands."

Deputy Bowman said the Suspect fell to the ground, on his chest, with the machete underneath him. She said, "Yeah. His chest. And he had -- he still had the machete under his chest. And we're giving him orders. Um, 'Put your hand out. Give up that machete. Put your hands out. Put your hands up.' 'No, no, I'm not.' He kept -- he was saying, 'No.' Um, Deputy [redacted] tased him again. Um, gave him the full course of the Taser, the five second charge. Um, once that went through he still wanted -- he kept like trying to get up, wanting to get up. Um, 'Give us your hands. Bring out your hands.' He didn't do that so Deputy [redacted] gave him another charge. Um, at some point I ended up having to run to the front of the house because I did not know the exact location of that, that residence. Yes. So I ran to the front of the house. I knew what street I was on and what my cross street was, however, I did not know the exact location. And because we were in the back yard it was very important to get that information out. So I ran in the front, put out that, and then I came back and Deputy Marquez and Deputy Contreras were um, attempting to handcuff him. So, um, they were able to handcuff him. And then um, he was handcuffed. And the machete was -- was no longer under him."

Deputy Bowman said she started transmitting radio traffic before she ran to the street. She said, "I remember saying um, 'Deputies involved in a shooting.' Um, 'Deputies are all accounting for. The Suspect is down. We need 902R to this location.' Um, 'It is one house east of the p -- location on the original call.' And then I realized I needed the exact address. So um, had deputies rolling. Um, I ran out to get the address -- exact location. Um, I remember continually putting out, 'It's in the rear. It's in the rear. The deputies are fine. The Suspect is down. We need 902R for the Suspect.' Um, I remember asking for um, an additional unit to set up a containment for us. Um, and then that was pretty much the end of the traffic on my part of it."

Deputy Bowman said when she returned to the backyard, she saw the machete was now 3 feet to the west of the Suspect. She said the Suspect was still on his chest and she did not hear him saying anything. She said, "I don't remember anything being said. We had the um, the ambulance rolling at that point. So my main concern was getting um, the ambulance to the location and directing deputies in. Um, so I ran to the front of the house and directed the ambulance in and um, deputies."

IAB Note: See Exhibit "A" pages 29-31 for Homicide's supplemental witness report for further information. See Exhibit "D" for a CD containing Deputy Bowman's recorded Homicide interview.

CIVILIAN STATEMENTS:

[redacted]

Mr. [redacted] was interviewed by Homicide Investigators Ramirez and Guzman on March 15, 2009 at 1629 hours. The interview took place at Temple Station and was recorded for review. The following is a summary of that interview.

Mr. [redacted] said he is the Suspect's [redacted] and they lived together at [redacted] He said on the day of the incident they were both home and his [redacted] and his [redacted] were at his home helping him repair his truck.

Mr. [redacted] said he has known the Suspect to use drugs and knew he had [redacted] He said the Suspect was acting really bad and he has never seen him behave the way he did. He said earlier in the morning he noticed the Suspect's speech was slurred and he had smelled the odor of marijuana coming from the bathroom.

Mr. [redacted] said the Suspect exited their house onto the driveway where he, [redacted] and [redacted] were working on his truck. He said [redacted] and [redacted] greeted the Suspect but he ignored them. He said the Suspect retrieved a baseball bat from the garage and the Suspect told them he needed to use the truck. He said he told the Suspect the truck was not working and the Suspect cussed at him and stated he knew the truck was working. He said he tried to clam the Suspect.

Mr. [redacted] said the Suspect grabbed a hold of his shirt collar and pulled him to the front yard while still holding the baseball bat. He said [redacted] tried to calm the Suspect. He said during this time he tried to use his cell phone to call the Sheriff's Department. He said the Suspect grabbed his cell phone and threw to the ground, breaking it. He said he broke free and went to his [redacted] to call Temple Station, leaving the Suspect with [redacted] and [redacted]

IAB Note: See Exhibit "D" for a CD containing the recorded 911 telephone line for further information.

Mr. [redacted] said while across the street he saw the Suspect had entered [redacted] truck and [redacted] and [redacted] were standing in front of the truck. He said [redacted] told him the Suspect now had a machete. He said he updated Temple Station and lost sight of the Suspect.

Mr. [redacted] said deputies arrived and contacted him. He said he talked to the deputies and they attempted to order the Suspect out of the house using a P.A. system, but the Suspect did not respond. Mr. [redacted] said approximately 10 minutes later three patrol cars left and then he heard 4-5 gunshots.

IAB Note: See Exhibit "A" pages 26-27 for Homicide's supplemental witness report for further information. See Exhibit "D" for a CD containing Mr. [redacted] recorded interview.

[redacted]

Mr. [redacted] was interviewed by Homicide Investigators Ramirez and Guzman on March 15, 2009 at 1707 hours. The interview took place at Temple Station and was recorded for review. The following is a summary of that interview.

Mr. [redacted] said he is the Suspect's [redacted] but he does not know the Suspect that well. He said he and his [redacted] were helping his [redacted] fix his truck when the Suspect exited the house. He said they greeted the Suspect but he ignored them. He said the Suspect gave him a "dirty look" and looked as though he hadn't slept in days.

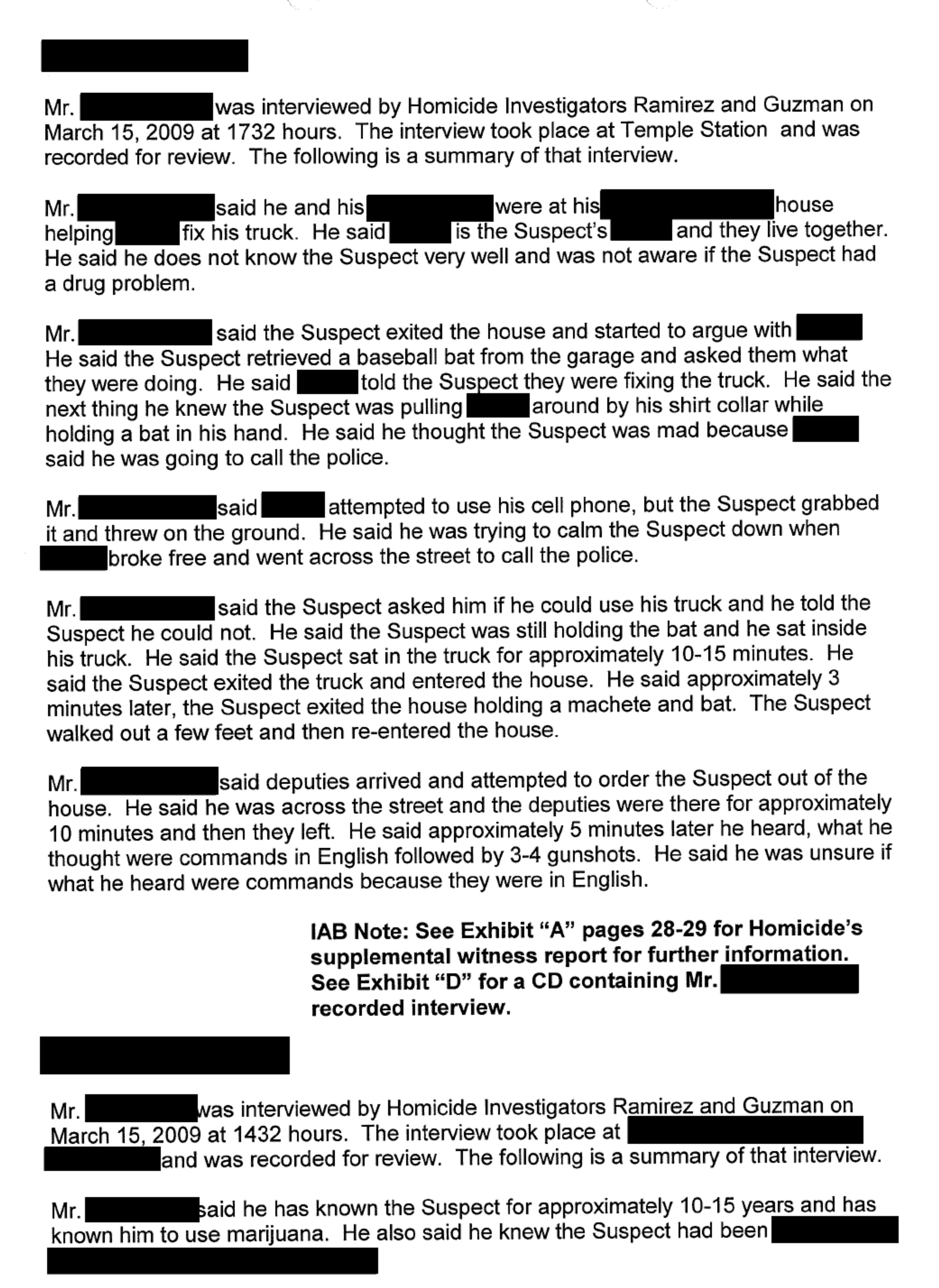
Mr. [redacted] said the Suspect retrieved two baseball bats, a machete, and two gasoline tanks from the garage and took the gasoline into the house. He said the Suspect said people were on the roof and were after him. He said the Suspect accused him of being after him. He said they all tried to calm the Suspect down, but he was acting paranoid like someone under the influence of "crystal meth."

Mr. [redacted] said his [redacted] told him the Suspect was on drugs and was acting up. He said his [redacted] attempted to call the police with his cell phone. He said the Suspect grabbed [redacted] by the shirt and jerked while still holding a baseball bat. He said the Suspect told [redacted] he was going with him. He said he told the Suspect [redacted] was staying with them and the Suspect grabbed [redacted] cell phone, threw it on the ground and then stepped on it.

Mr. [redacted] said [redacted] broke free and went across the street to call the police. He said the Suspect kept say people were after him and he wanted to use [redacted] truck. He said at one point the Suspect sat inside [redacted] truck. He said the Suspect exited the truck and entered the house.

Mr. [redacted] said deputies arrived at the house and attempted to order the Suspect out of the house for approximately 20 minutes. He said the deputies suddenly left. Approximately 10 minutes later, he next heard yelling and commands to "get down." He said he next heard the Suspect scream followed by gunshots.

IAB Note: See Exhibit "A" pages 27-28 for Homicide's supplemental witness report for further information. See Exhibit "D" for a CD containing Mr. [redacted] recorded interview.



[redacted]

Mr. [redacted] was interviewed by Homicide Investigators Ramirez and Guzman on March 15, 2009 at 1732 hours. The interview took place at Temple Station and was recorded for review. The following is a summary of that interview.

Mr. [redacted] said he and his [redacted] were at his [redacted] house helping [redacted] fix his truck. He said [redacted] is the Suspect's [redacted] and they live together. He said he does not know the Suspect very well and was not aware if the Suspect had a drug problem.

Mr. [redacted] said the Suspect exited the house and started to argue with [redacted] He said the Suspect retrieved a baseball bat from the garage and asked them what they were doing. He said [redacted] told the Suspect they were fixing the truck. He said the next thing he knew the Suspect was pulling [redacted] around by his shirt collar while holding a bat in his hand. He said he thought the Suspect was mad because [redacted] said he was going to call the police.

Mr. [redacted] said [redacted] attempted to use his cell phone, but the Suspect grabbed it and threw on the ground. He said he was trying to calm the Suspect down when [redacted] broke free and went across the street to call the police.

Mr. [redacted] said the Suspect asked him if he could use his truck and he told the Suspect he could not. He said the Suspect was still holding the bat and he sat inside his truck. He said the Suspect sat in the truck for approximately 10-15 minutes. He said the Suspect exited the truck and entered the house. He said approximately 3 minutes later, the Suspect exited the house holding a machete and bat. The Suspect walked out a few feet and then re-entered the house.

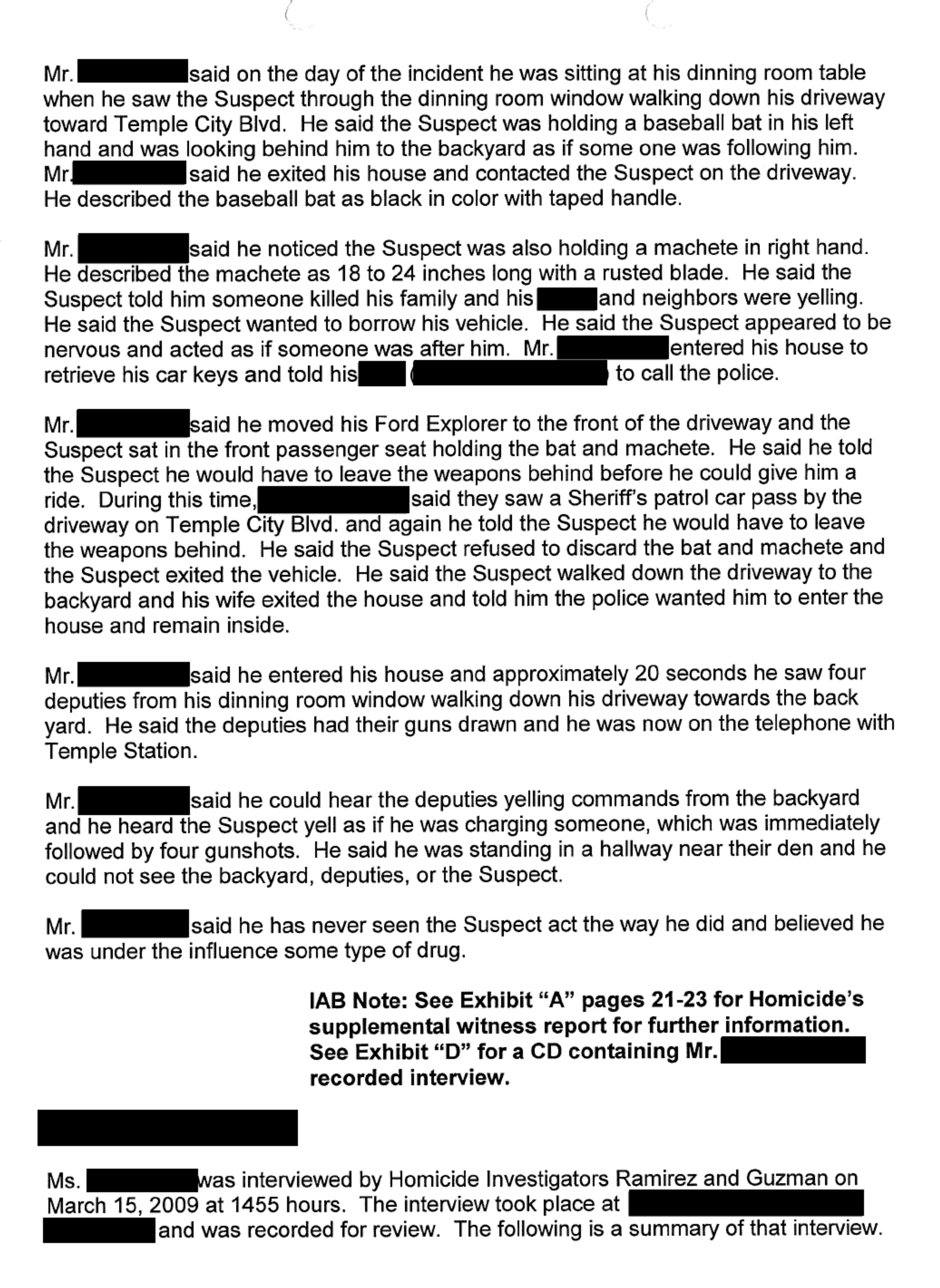
Mr. [redacted] said deputies arrived and attempted to order the Suspect out of the house. He said he was across the street and the deputies were there for approximately 10 minutes and then they left. He said approximately 5 minutes later he heard, what he thought were commands in English followed by 3-4 gunshots. He said he was unsure if what he heard were commands because they were in English.

IAB Note: See Exhibit "A" pages 28-29 for Homicide's supplemental witness report for further information. See Exhibit "D" for a CD containing Mr. [redacted] recorded interview.

[redacted]

Mr. [redacted] was interviewed by Homicide Investigators Ramirez and Guzman on March 15, 2009 at 1432 hours. The interview took place at [redacted] and was recorded for review. The following is a summary of that interview.

Mr. [redacted] said he has known the Suspect for approximately 10-15 years and has known him to use marijuana. He also said he knew the Suspect had been [redacted]



Mr. [redacted] said on the day of the incident he was sitting at his dinning room table when he saw the Suspect through the dinning room window walking down his driveway toward Temple City Blvd. He said the Suspect was holding a baseball bat in his left hand and was looking behind him to the backyard as if some one was following him. Mr. [redacted] said he exited his house and contacted the Suspect on the driveway. He described the baseball bat as black in color with taped handle.

Mr. [redacted] said he noticed the Suspect was also holding a machete in right hand. He described the machete as 18 to 24 inches long with a rusted blade. He said the Suspect told him someone killed his family and his [redacted] and neighbors were yelling. He said the Suspect wanted to borrow his vehicle. He said the Suspect appeared to be nervous and acted as if someone was after him. Mr. [redacted] entered his house to retrieve his car keys and told his [redacted] ([redacted]) to call the police.

Mr. [redacted] said he moved his Ford Explorer to the front of the driveway and the Suspect sat in the front passenger seat holding the bat and machete. He said he told the Suspect he would have to leave the weapons behind before he could give him a ride. During this time, [redacted] said they saw a Sheriff's patrol car pass by the driveway on Temple City Blvd. and again he told the Suspect he would have to leave the weapons behind. He said the Suspect refused to discard the bat and machete and the Suspect exited the vehicle. He said the Suspect walked down the driveway to the backyard and his wife exited the house and told him the police wanted him to enter the house and remain inside.

Mr. [redacted] said he entered his house and approximately 20 seconds he saw four deputies from his dinning room window walking down his driveway towards the back yard. He said the deputies had their guns drawn and he was now on the telephone with Temple Station.

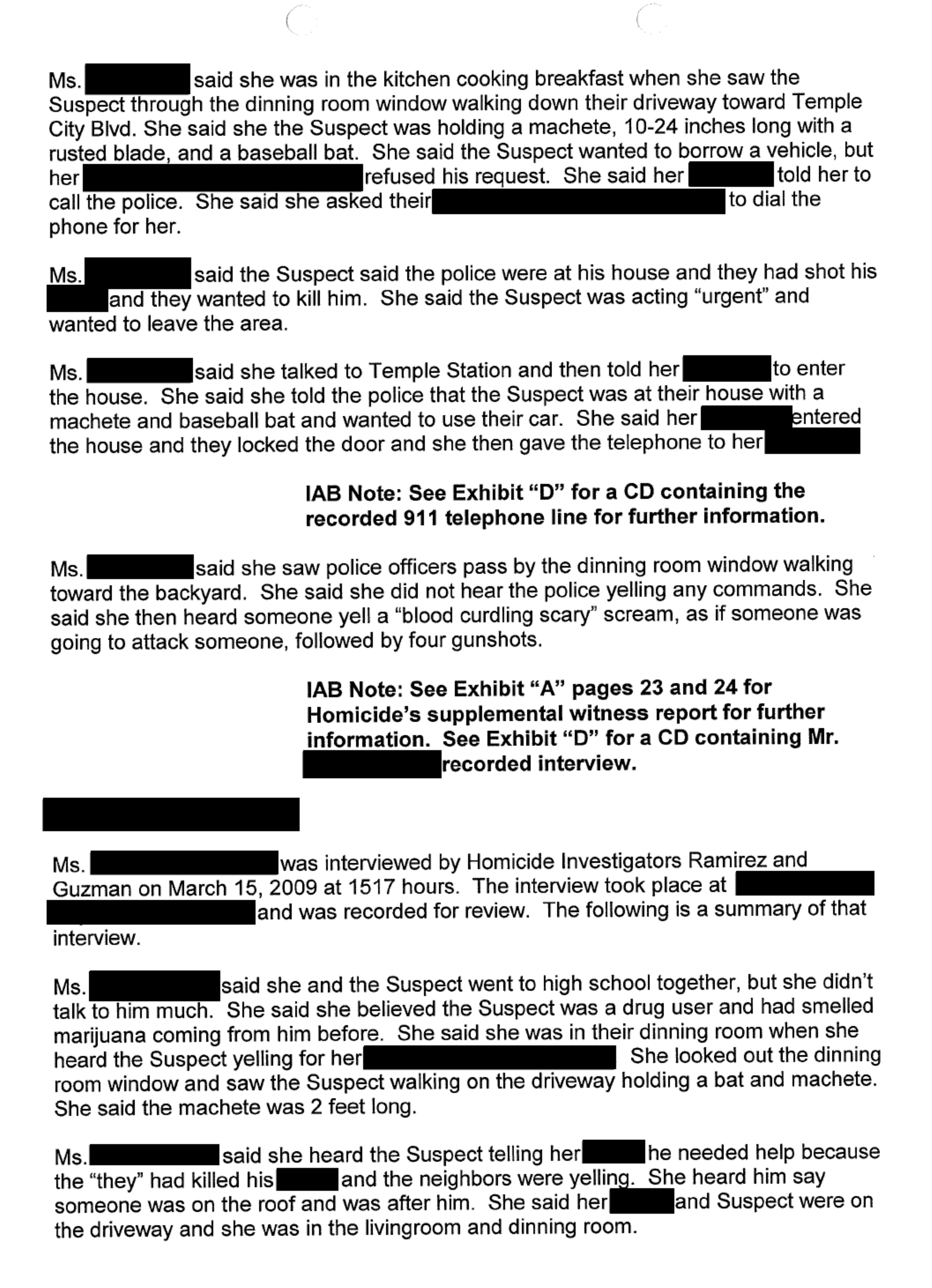
Mr. [redacted] said he could hear the deputies yelling commands from the backyard and he heard the Suspect yell as if he was charging someone, which was immediately followed by four gunshots. He said he was standing in a hallway near their den and he could not see the backyard, deputies, or the Suspect.

Mr. [redacted] said he has never seen the Suspect act the way he did and believed he was under the influence some type of drug.

IAB Note: See Exhibit "A" pages 21-23 for Homicide's supplemental witness report for further information. See Exhibit "D" for a CD containing Mr. [redacted] recorded interview.

[redacted]

Ms. [redacted] was interviewed by Homicide Investigators Ramirez and Guzman on March 15, 2009 at 1455 hours. The interview took place at [redacted] and was recorded for review. The following is a summary of that interview.



Ms. [redacted] said she was in the kitchen cooking breakfast when she saw the Suspect through the dinning room window walking down their driveway toward Temple City Blvd. She said she the Suspect was holding a machete, 10-24 inches long with a rusted blade, and a baseball bat. She said the Suspect wanted to borrow a vehicle, but her [redacted] refused his request. She said her [redacted] told her to call the police. She said she asked their [redacted] to dial the phone for her.

Ms. [redacted] said the Suspect said the police were at his house and they had shot his [redacted] and they wanted to kill him. She said the Suspect was acting "urgent" and wanted to leave the area.

Ms. [redacted] said she talked to Temple Station and then told her [redacted] to enter the house. She said she told the police that the Suspect was at their house with a machete and baseball bat and wanted to use their car. She said her [redacted] entered the house and they locked the door and she then gave the telephone to her [redacted]

IAB Note: See Exhibit "D" for a CD containing the recorded 911 telephone line for further information.

Ms. [redacted] said she saw police officers pass by the dinning room window walking toward the backyard. She said she did not hear the police yelling any commands. She said she then heard someone yell a "blood curdling scary" scream, as if someone was going to attack someone, followed by four gunshots.

IAB Note: See Exhibit "A" pages 23 and 24 for Homicide's supplemental witness report for further information. See Exhibit "D" for a CD containing Mr. [redacted] recorded interview.

[redacted]

Ms. [redacted] was interviewed by Homicide Investigators Ramirez and Guzman on March 15, 2009 at 1517 hours. The interview took place at [redacted] and was recorded for review. The following is a summary of that interview.

Ms. [redacted] said she and the Suspect went to high school together, but she didn't talk to him much. She said she believed the Suspect was a drug user and had smelled marijuana coming from him before. She said she was in their dinning room when she heard the Suspect yelling for her [redacted] She looked out the dinning room window and saw the Suspect walking on the driveway holding a bat and machete. She said the machete was 2 feet long.

Ms. [redacted] said she heard the Suspect telling her [redacted] he needed help because the "they" had killed his [redacted] and the neighbors were yelling. She heard him say someone was on the roof and was after him. She said her [redacted] and Suspect were on the driveway and she was in the livingroom and dinning room.

Ms. [redacted] said the Suspect wanted a ride and he [redacted] agreed to drive him after he discarded the weapons. She said her [redacted] entered the house to retrieve his car keys and he told them to call the police. She said she called Temple Station and she lost sight of the Suspect. She said her [redacted] talked to the police and the police wanted her [redacted] to enter the house.

Ms. [redacted] said she exited the house, walking past the Suspect and told her [redacted] to come back to the house. She said she re-entered the house and she saw her [redacted] move their vehicle to the front of the driveway. She saw both her [redacted] and Suspect enter the vehicle. She said her [redacted] told her [redacted] to come inside the house, which he did.

Ms. [redacted] said she was in the living room when she saw two deputies holding their guns, walking down the driveway toward the backyard. She said one deputy was holding a shotgun.

Ms. [redacted] said she walked into the den to an open window and heard a female and male yelling something she could not make out. She said she then heard a "war cry" scream which was immediately followed by four gunshots.

IAB Note: See Exhibit "A" pages 24 and 25 for Homicide's supplemental witness report for further information. See Exhibit "D" for a CD containing Ms. [redacted] recorded interview.

SUSPECT STATEMENTS:

None



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

October 5, 2009

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 09-0164
L.A.S.D. File No. 009-03572-0531-013

Dear Captain Curtis:

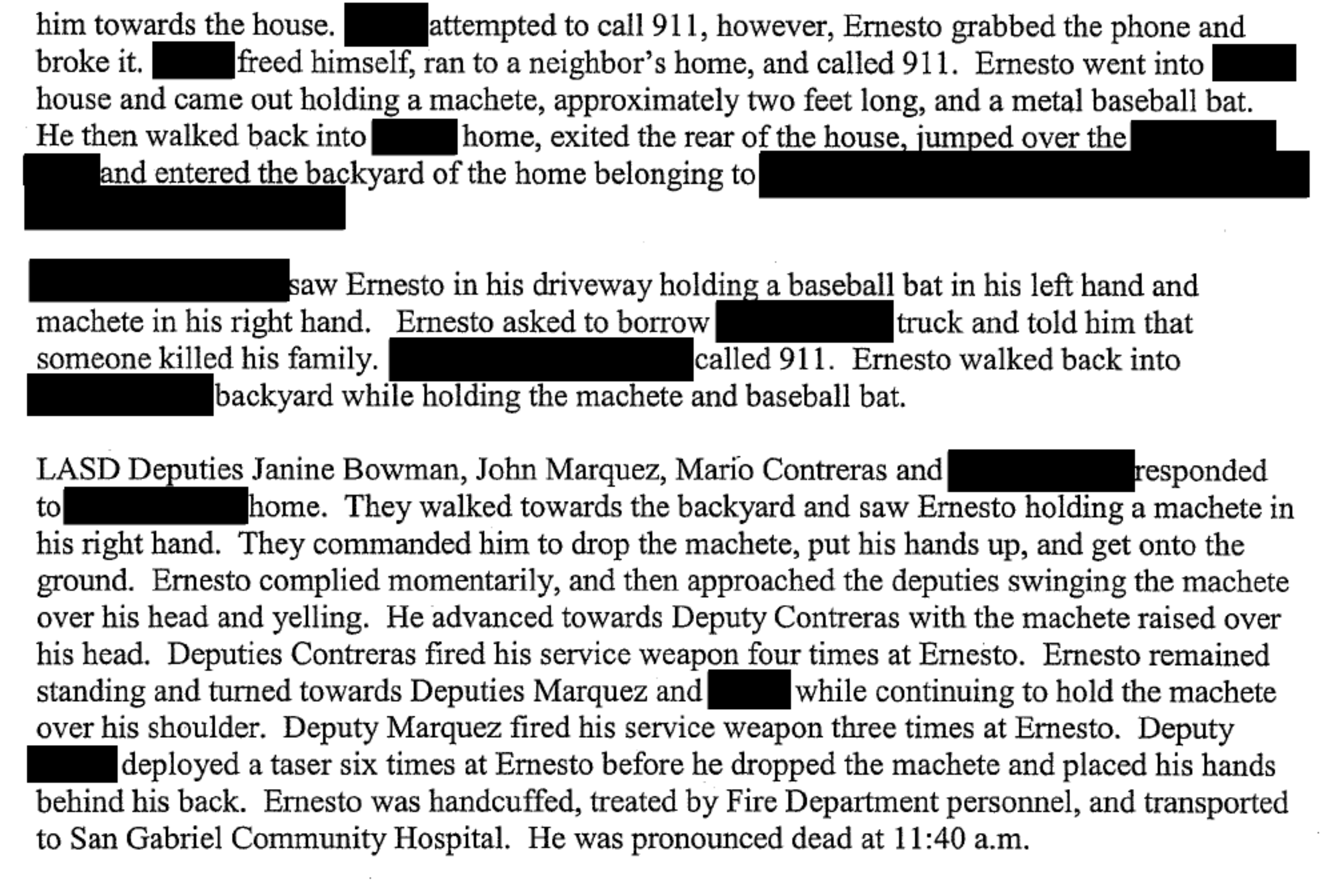
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 15, 2009, fatal shooting of Ernesto Eduardo Castaneda. We have concluded that Los Angeles County Sheriff's Department Deputies John Marquez, Mario Contreras, and [redacted] acted lawfully in self-defense.

The following analysis is based on the reports and photographs submitted to this office on July 8, 2009, by Detective Phillip Guzman and Sergeant Joseph Ramirez from the Homicide Bureau of the Los Angeles County Sheriff's Department (LASD). The District Attorney's Command Center was notified of this incident at 12:29 p.m., on March 15, 2009. The Deputy District Attorney Response Team, comprised of Deputy District Attorney Natalie Adomian and District Attorney Senior Investigator [redacted] was notified by the Command Center and responded immediately to the scene. They were given a briefing of the circumstances surrounding the incident and walk-through of the scene. Compelled statements were not considered as part of this analysis.

FACTUAL ANALYSIS

On March 15, 2009, at about 8:00 a.m., Ernesto Castanedo, age 22, began arguing with his [redacted] and [redacted] in [redacted] backyard at [redacted] Ernesto retrieved a metal baseball bat from the garage demanding to use [redacted] truck. He grabbed [redacted] by the collar of this shirt and pulled

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us



him towards the house. [redacted] attempted to call 911, however, Ernesto grabbed the phone and broke it. [redacted] freed himself, ran to a neighbor's home, and called 911. Ernesto went into [redacted] house and came out holding a machete, approximately two feet long, and a metal baseball bat. He then walked back into [redacted] home, exited the rear of the house, jumped over the [redacted] and entered the backyard of the home belonging to [redacted]

[redacted] saw Ernesto in his driveway holding a baseball bat in his left hand and machete in his right hand. Ernesto asked to borrow [redacted] truck and told him that someone killed his family. [redacted] called 911. Ernesto walked back into [redacted] backyard while holding the machete and baseball bat.

LASD Deputies Janine Bowman, John Marquez, Mario Contreras and [redacted] responded to [redacted] home. They walked towards the backyard and saw Ernesto holding a machete in his right hand. They commanded him to drop the machete, put his hands up, and get onto the ground. Ernesto complied momentarily, and then approached the deputies swinging the machete over his head and yelling. He advanced towards Deputy Contreras with the machete raised over his head. Deputies Contreras fired his service weapon four times at Ernesto. Ernesto remained standing and turned towards Deputies Marquez and [redacted] while continuing to hold the machete over his shoulder. Deputy Marquez fired his service weapon three times at Ernesto. Deputy [redacted] deployed a taser six times at Ernesto before he dropped the machete and placed his hands behind his back. Ernesto was handcuffed, treated by Fire Department personnel, and transported to San Gabriel Community Hospital. He was pronounced dead at 11:40 a.m.

Deputy Medical Examiner Dr. Yulai Wang, from the Los Angeles County Coroner's Office, performed the autopsy on Ernesto Castaneda. He concluded that Ernesto's cause of death was multiple gunshot wounds. Blood tests revealed that marijuana and methamphetamines were present in Ernesto's system.

CONCLUSION

California law permits the use of deadly force in self-defense if it reasonably appears to the person claiming the right of self-defense that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. California Criminal Jury Instruction 3470.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Graham v. Conner (1989) 490 U.S. 386, 396-397. This analysis must also allow for the fact that officers are often forced to make split-second judgments, about the amount of force that is necessary, in circumstances that are tense, uncertain, and rapidly evolving. Id.

Additionally, deadly force may be used by police officers when necessary to affect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily injury or there is a substantial risk that the person whose arrest is sought will cause death or serious bodily harm if apprehension is delayed. Tennessee v. Garner (1985) 471 U.S. 1, 16 fn. 15; Kortum v. Alkire (1977) 69 Cal. App. 3d 325, 333.

The evidence examined in this investigation shows that Ernesto Castaneda threatened and assaulted various family members while armed with a machete and metal baseball bat. When Deputies attempted to affect arrest, Ernesto failed to comply with their orders and advanced on the deputies with a machete. Deputies Mario Contreras and John Marquez, in fear for their lives, fired at Ernesto. Deputy [redacted] deployed a taser multiple times until Ernesto released the machete. Ernesto Castaneda's actions placed Deputies Contreras, Marquez, and [redacted] in imminent danger of death or great bodily injury. We conclude that these deputies acted reasonably in self-defense when they used deadly force upon Ernesto Castaneda. Consequently, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

NATALIE ADOMIAN
Deputy District Attorney
(213) 974-3880

c: Deputy John Marquez #[redacted]
Deputy Mario Contreras #[redacted]
Deputy [redacted] #[redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: October 5, 2010

OFFICE CORRESPONDENCE

FILE NO. SH2239808
FO2239193

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY MARIO CONTRERAS #[redacted]
DEPUTY JOHN MARQUEZ #[redacted]
DEPUTY [redacted] #[redacted]
TEMPLE STATION

On March 15, 2009, Deputies [redacted] Marquez, Bowman, and Deputy Bowman's ride-a-long observer, Deputy Mario Contreras, responded to [redacted] North Ellis Lane, Rosemead, to a family disturbance call. While en route, they were advised the suspect was armed with a machete and possibly under the influence of drugs. They were also advised the suspect was inside the house. Deputies called to the suspect to exit the house. The deputies then learned the suspect was in the rear yard of [redacted] Temple City Boulevard, armed with a baseball bat and a machete. Subsequently, all the deputies responded to the rear yard of the location and ordered the suspect to drop the machete. The suspect began to comply by putting the machete down on the ground and going down to one knee. After getting to one knee, the suspect quickly rose to his feet, retrieved the machete and did not comply with their orders to drop the machete. The suspect was swinging the machete above his head and took steps toward Deputy Contreras. Deputies Marquez and Contreras, fearing for their safety immediately fired their pistols, striking the suspect. The suspect did not drop the machete and held it at his chest. Deputy [redacted] then discharged the Taser which immediately caused the suspect to fall to the ground. The suspect was then taken into custody without further incident. The suspect's weapons, a machete and baseball bat, were recovered from the scene.

Suspect Castaneda sustained three gunshot wounds to the upper torso. He was transported to San Gabriel Community Hospital where he was pronounced dead.

On September 9. 2010 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Mario Contreras #[redacted] and John Marquez #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW/ylw

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

OFFICE CORRESPONDENCE

DATE: September 9, 2010

FILE NO. SH2247861
FO2239813

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: JOSEPH F. FENNELL JR. CAPTAIN
TEMPLE STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, USE OF FORCE**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on March 15, 2009.

The Committee met on September 9, 2010 and consisted of me, Commander Stephen B. Johnson, Custody Operations Division, and Commander Daryl Evans, Technical Services Division. The Committee determined the use of force by Deputies Mario Contreras #[redacted] John Marquez #[redacted] and [redacted] #[redacted] was within Department policy.

Please advise the deputies of this finding and return the completed Unit Commander Response form.

EBS:RSP/rsp